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RECENT CONSTITUTION-MAKING IN THE  
UNITED STATES.

NORTH DAKOTA, SOUTH DAKOTA, MONTANA, WASHINGTON.

AN act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States, was approved by President Cleveland, February 22, 1889. This act provided that the Territory of Dakota should be divided on the line of the seventh standard parallel; that delegates having the qualifications of an elector in the respective territories should be chosen on the second Monday in May, 1889, pursuant to a proclamation of the territorial governors made on the fifteenth of the preceding April; and that delegates chosen, to the number of seventy-five in

each Territory, should meet respectively in Bismarck for North Dakota, in Sioux Falls for South Dakota, in Helena for Montana, and in Olympia for Washington, on the fourth of the following July, for the purpose of framing a State constitution for their respective Territories. The act further required that the constitution so framed should be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. Each convention was required, after organization, "to adopt the Constitution of the United States," and to provide, by irrevocable ordinances, save by the consent of the United States and the people of the new States—(a) perfect toleration of religious sentiment; (b) disclaimer forever of all right and title to certain lands known as Indian lands within the limits of the respective States, save as such right and title should hereafter be conveyed through the United States; (c) the assumption and payment of the debts and liabilities of the respective territories by their successors, the respective States; (d) the establishment and maintenance of systems of public schools free to all the children of the respective States, and free from sectarian control; and the delegates chosen to frame a constitution for South Dakota were to assemble at Sioux Falls to frame that constitution in accordance with their instructions indicated by the ballots cast for their election, which were to show, by the words printed upon them, whether or not the people of South Dakota wished to have re-submitted to them the Sioux Falls constitution of 1885, or a new constitution framed by the convention of 1889. The debts and liabilities of the Territory of Dakota were to be assumed by the two States organized out of it, according to the decision of a joint commission to be composed of members of each convention—*i. e.*, of North Dakota and South Dakota. This commission also was to prescribe the manner of dividing the property of

the territorial government between the two States. Every sixteenth and every thirty-sixth section of land in the proposed States was granted by the act for the support of common schools, and the lands so granted were never to be sold for less than ten dollars per acre. The sections covered by these numbers yet contained in Indian reservations were not granted. Upon the admission of the States fifty sections of the unappropriated lands within the States were to be granted for the purpose of erecting public buildings at the respective State capitals for legislative, executive, and judicial purposes. No lands granted for school purposes should ever be used for the support of any sectarian or denominational school, college, or university. The lands already granted to these four Territories for university purposes were confirmed as an additional grant, constituting in each case "the full quantity of seventy-two sections" to each State. The lands already granted to Dakota for asylums; for the penitentiary, 90,000 acres in each State, except South Dakota, which was granted 120,000 acres, and for the support of agricultural colleges, were confirmed. To the State of South Dakota were also granted, for the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the agricultural college, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the university, 40,000 acres; for State normal schools, 80,000 acres; for public buildings at the capital of the State, 50,000 acres; and for other educational and charitable purposes as the State legislature might determine, 170,000 acres—making in all 500,000 acres. A like quantity of land, for like purposes and in like proportions, was granted to North Dakota. To Montana were granted: for a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant already made for that purpose, 50,000 acres; for a State reform school, 50,000 acres; for a deaf and dumb asylum, 50,000 acres; for public buildings at the State capital, in addition to the grant before made, 150,000

acres. To the State of Washington were granted: for a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the former grant, 100,000 acres; and for State charitable, educational, penal, and reformatory institutions, 200,000 acres. To each State was a grant of \$20,000 wherewith to defray the expenses of the constitutional convention of that State. Each State was erected into a Federal judicial district—Washington and Montana being attached to the ninth, and the two Dakotas to the eighth judicial circuit. Provision was made for the appointment of four additional United States district judges and other court officers, and the course of all cases of appeal or writ of error from the former territorial courts was fixed. Provision was made against any interruption of judicial business incident to the change from a territorial to a State condition. Each territory was to hold a special election on the first Tuesday of October, 1889, for the ratification or rejection of the constitution framed for it, and at the same election it was to choose a complement of State officials, and a representative to Congress, save South Dakota, which was to elect two Congressional representatives. In case of the ratification of the proposed constitution by the electors of the Territory, the legislature of the new State was to convene and choose two United States senators, who, with the representative in Congress, were to be admitted to the national legislature as soon as the State was formally admitted into the Union. The certificate of the vote cast on the first Tuesday of October was to be forwarded to the President of the United States, and if the constitutions and governments of the proposed States were republican in form, and the provisions of the enabling act had been complied with, it was the duty of the President to issue his proclamation announcing the result of the election in each State, and the proposed States which had adopted constitutions and framed State governments, as provided by the act, were to be deemed admitted by



Congress into the Union, under and by virtue of the enabling act, on an equal footing with the original States, from and after the date of the President's proclamation.<sup>1</sup>

The election of delegates to the constitutional conventions occurred in the four Territories in accordance with the provisions of the enabling act, and on the Fourth of July, 1889, the four conventions assembled—for North Dakota at Bismarck, for South Dakota at Sioux Falls, for Montana at Helena, and for Washington at Olmypyia. In each of these cities the national holiday was observed with fitting ceremonies: a civic and military procession, speeches, and a participation in the exercises by the delegates to the

<sup>1</sup> The Territory of Washington was organized from a portion of the "Oregon Country," March 3, 1853, and given its present boundaries March 2, 1861. On the latter date the Territory of Dakota was organized, and given the present boundaries (of the two States), March 3, 1864. Dakota was formed out of the Nebraska Territory. Montana was organized as a Territory May 24, 1864, with its present boundaries.

The enormous area comprised within the new States is measured by a column extending (were the four States so arranged) 1570 miles east and west and 228 miles north and south. The actual distance from the eastern boundary of the Dakotas to the Pacific Ocean is 1235 miles. The respective areas of the States are: South Dakota, 76,600 square miles; North Dakota, 71,900 square miles; Montana, 146,080 square miles; Washington, 69,180 square miles—a total of 363,760 square miles, nearly eight times the area of the State of New York and nearly one-tenth of the entire area of the United States. A simple computation will show the imperial domain specifically granted by Congress as land grants for the support of public schools and other public institutions, public buildings for the State, etc., computing at the value of ten dollars per acre, to be worth \$150,000,000, of which about \$135,000,000 are for educational purposes alone. The school fund thus guaranteed to these States reaches the unparalleled amount, in millions of dollars—for South Dakota, 27; for North Dakota, 30; for Montana, 52; and for Washington, 25. There are large portions of these States excluded from the computation as belonging to Indian reservations, but the amount here computed is not far from correct, as much of the land will be sold for more than the minimum price of ten dollars per acre. The guarantee of the school fund is carefully formulated in each of the four constitutions.

The population of the new States was estimated by *The Morning Oregonian*, a conservative, reliable paper, October 7, 1889, as follows: North Dakota, 250,000; South Dakota, 400,000; Montana, 160,000; Washington, 300,000. It is not without interest to compare the estimates of 1889, before the admission of these new States, with the census of 1890. The census of 1890 gives the population as: North Dakota, 182,719; South Dakota, 328,808; Montana, 132,159; Washington, 349,390.

convention about to organize. The *personnel* of the conventions illustrates the peculiar character of the men called to frame these constitutions. The North Dakota convention consisted of 56 Republicans, 22 Democrats, and 1 Independent. The oldest member was sixty-five, the youngest twenty-seven, the average age thirty-nine and a half years. Fifty-two were born in the United States: Wisconsin furnishing 13; New York, 10; Iowa, 5; Ohio, 4; Maine, 3; Illinois, Connecticut, Indiana, Minnesota, and Vermont, each 2; Massachusetts, New Hampshire, New Jersey, and Michigan, each 1; New Brunswick, 1; Norway or Sweden, 6; Canada, 8; Scotland, 3; Ireland, 3; England, 2. Of American ancestry there were 23; of Norwegian, 8; of Irish, 12; of Scotch, 7; of English, 13; Scotch-Danish, 1; English-German, 1; Scotch-American, 2; German-Irish, 1; Dutch, 1. Twenty-eight were farmers, nineteen were lawyers, thirteen were bankers; four were in mercantile life, two were journalists, two lumbermen, one a judge, one a ranchman, one a physician, one an insurance agent, one an employé of a railroad. Seven were veterans of the Civil War; eleven had served as district or city attorneys; eleven had filled political offices; five had been teachers; and one a preacher. Thirty-one had received a common-school education; fourteen had completed a course in a high school or academy; four were graduates of normal schools; fourteen had graduated at college; and nine had completed a university course. The universities represented were: Wisconsin, 2; Michigan, 3; Iowa State, 2; Pennsylvania, 1; Union, 1. The colleges represented were: Beloit, 2; Wabash, 1; Hanover (Pa.), 1; La Crosse, 1; Allegheny, 1; Milton, 1; Marietta, 1; Heidelberg (O.), 1; Williams, 1; Iowa College, 1; National Normal, 1.

The Montana convention consisted of 40 Democrats, 34 Republicans, and 1 Independent (Labor). The oldest member was sixty-nine, the youngest twenty-eight, the average age forty-four and one-fourth years. There were natives of New York, 10; Maine, 9; Kentucky, 7; Ireland, Illinois, Ger-

many, 4 each; Missouri, 5; Pennsylvania, Indiana, Virginia, Massachusetts, 3 each; Vermont, 2; Tennessee, Ohio, Kansas, England, Iowa, Michigan, Wisconsin, Delaware, 1 each; Minnesota, 3; Canada, 2; and New Jersey, 1. Two were farmers, twenty lawyers, four bankers, twelve merchants, twelve engaged in mining, two physicians, seven stock-growers, three engaged in real estate, two school teachers, two capitalists, one contractor, one foundryman, one journalist, one county clerk. Four were veterans of the Civil War, sixteen had been members of a State or territorial legislature, one had been a governor of the Territory, one its delegate to Congress. All had received a public school education; six had pursued courses in an academy or high school, eight had graduated at college, and six at some university. The universities represented were: Iowa State, 1; Pennsylvania, 1; Michigan, 1; Transylvania, 1. The colleges: Hamline, 1; Union, 1; Tubash, 1; Columbia, 1; Bowdoin, 1; Georgetown (Ky.), 1; Masonic, 1; West Point Military Academy, 1.

The Olympiac onvention was composed of seventy-five delegates, of whom twenty-one were lawyers, thirteen were farmers, six were merchants, six were physicians, five were bankers, four were stock-men, and three were teachers. There were two real estate dealers, two editors, two hop-growers, two loggers, two lumber-men, one preacher, one surveyor, one fisherman, and one mining engineer. Ten were veterans of the Civil War. The average age of the members was nearly forty-five years, and their nativities were twenty-five in number. Ten of the delegates were born in Missouri, eight in Ohio, seven in New York, seven in Illinois, five in Scotland, four in Pennsylvania, four in Kentucky, three in Indiana, three in Michigan, three in Germany, two in Tennessee, two in Ireland, and one each in North Carolina, New Brunswick, Massachusetts, Wisconsin, Ontario, Connecticut, Iowa, New Hampshire, Wales, Nebraska, California, and Washington Territory. The convention was composed of forty-three

Republicans, twenty-nine Democrats, and three Independents.

An examination of the detailed facts concerning the *personnel* of the three conventions specially described shows: (a) That nearly all the members of the conventions were from States immediately east of the new States; (b) that the members were all fairly well educated, and that many of them had pursued courses of study in institutions of learning widely famed; (c) that a large number of the delegates had received legal training, and many had held important legal offices; (d) that, in the Montana convention especially, was a large membership possessing a varied experience in legislative work. Many of the delegates had belonged at one time to legislatures in the Eastern States. (e) That the members represented in their various occupations the principal interests of modern society, and particularly the interests of their own Territory; (f) that the majority of the delegates were young men, less than forty years of age; (g) that none of them, except one delegate to the Washington convention, were natives of the Territory for which they were forming a State constitution; and not of least importance, although the fact is not brought out in the notes, the conventions were composed of men who had been highly successful in life.

The most elaborate of the four constitutions is that of South Dakota, with which, for convenience, the other three constitutions will be compared, article by article.

Each constitution opens with a preamble which declares that the people of the State, "grateful to Almighty God for civil and religious liberties," do ordain and establish the constitution. South Dakota incorporates the preamble of the national Constitution, and Montana refers to the enabling act of 1889.

The name and boundary of each State are distinctly set forth, the territorial boundaries being confirmed.

The principles of the Declaration of Independence, with which the constitutions were required by the enabling act

to accord, are embodied, as they have repeatedly been embodied, in the Bill of Rights contained in the several constitutions. Thus these new constitutions embody the civil and political principles common to the American State constitutions and fundamentally set forth in the amendments to the national Constitution. The provisions in the new constitutions differing from provisions common to the constitutions of the older States are: that the decision of civil cases may be made by three-fourths of the jury in any court; private property shall not be taken for public use, or damaged without just compensation, as determined by a jury, which shall be paid as soon as ascertained, and before possession is taken; no distinction shall be made between resident aliens and citizens in reference to the possession, enjoyment, or descent of property (S. D.); neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever exist in the State (N. D.); and a grand jury shall consist of seven persons, drawn and summoned at the discretion of a district judge, and the concurrence of five members of the jury is necessary to find an indictment (Mont.).

In their constitutional provisions the States go in pairs: North and South Dakota, Montana and Washington—a result not strange when the geographical position, the natural resources, the economic interests, and the influence of the constitutions of neighboring States are considered. Thus the influence of the constitution of California (1879) is perceptible in the constitutions of Montana and Washington, and that constitution was repeatedly quoted in the conventions of those States. The Dakota conventions were influenced by the constitutions of Illinois, Wisconsin, Michigan, and Minnesota, and, generally speaking, by the constitutions of those States with which the delegates, by previous residence, were familiar, or the Territory with which, by present economic interests, they were concerned.

The stream of population in this country has moved in

three great currents: the northern, from New England, New York, and Pennsylvania, along the line of the forty-second parallel. In the early years of the century this course was a convergence of smaller streams from various parts of New England, at Albany, thence westward along the bridle path to Utica, Syracuse, Rochester, Buffalo, Erie, Cleveland, Chicago. The "main road" from Boston to Chicago is the original line of this current, which, by reason of the increase of travel and transportation, has been paralleled by the Erie Canal and the sail and steamboat lines of the Great Lakes; and later, by the several railroad lines—the New York Central, the West Shore, the Lake Shore and Michigan Southern, the Canada Southern, and their connecting lines, which, connecting at Chicago with the trunk lines of the Northwest, have given to the entire northern half of the United States a uniform and distinct character in language, customs, and laws. The width of this northern stream is plainly marked by the northern boundary of the United States, and by a varying line of settlements on the southern edge, of which the principal are from Easton to Franklin in Pennsylvania; Columbus, Ohio; Indianapolis, Indiana; Springfield, Illinois; the southern boundary of Iowa; Kansas City, and thence northwestward, in scattered settlements, including a portion of northern California, northern Oregon, and northern Washington. All the States included within this area were settled by people from the older Eastern States, especially New England, New York, Pennsylvania, Ohio, Indiana, and Illinois, the western State for the time being taking its earliest settlers from the States directly to the east.

The second current of population, which may be called the Virginia current, has moved westward and southwestward, over an area extending from the Potomac River to the northern boundary of North Carolina on the east, and widening, as it courses westward, to the Ohio River on the north, including the State of Missouri, a portion of Kansas

and Colorado, and thence to the Pacific, excluding a portion of Northern California. Its southern boundary extends from the Carolinas southwestward, including the greater part of Georgia, Alabama, and the States and Territories directly west of the eighty-third meridian from the thirty-first to the forty-first parallel. Within this area the States first settled have contributed to the population of States immediately west of them, imparting to all the States and Territories within this zone of settlement a character of general uniformity.

The third and more recent line of movement has been along the Atlantic seaboard, beginning at various ports along that line, but specially at ports receiving large numbers of immigrants, and continuing from point to point along that line from Portland, Maine, to New Orleans, and the eastern towns of Florida, also to Galveston and Austin, Texas, and thence westward into the Territories of New Mexico and Arizona, into Southern California, and thence northward into Oregon, Washington, and Montana. This line of population-movement has been marked since 1865, and has been intensified and widened by the rapid construction of railroads in the general direction named.

Along the northern or New England line of population-movement have also moved the millions of immigrants from European countries in the corresponding latitude—Germany, Scandinavia, Austria, Russia, and the British Isles. Along the middle or Virginia line moved a native population, chiefly from the older Southern States, which spent its force at the foot of the eastern slope of the Rocky Mountains. The Virginia stream has been second in size to its northern companion. The recent coast stream has combined both Northern and Southern elements, and foreign elements, and reaching Washington and Montana by a backward flow, presents for the first time in our national history a meeting of Northern and of Southern elements north of the latitude of Kansas. The present population of Montana is the proof that the best lands have been taken in this

country, and that population is for the first time returning toward the East. The nativity of the members of the four conventions illustrates the nativity of the inhabitants of the four new States. The census of 1880, with which as to nativities the last census substantially agrees, shows that Dakota received from States north of Maryland and east of Dakota, 52,700 persons; from States south of Pennsylvania and east of the Mississippi, 2200; from the area west of Dakota and north of Indian Territory, 1100; from the area of the United States remaining, 2000; its native population being 17,796; that is, a resident population composed of persons who were born in that part of the United States comprised in the New England area and influence, 71,596; in the Virginia area and influence, 11,786. Of the foreign population, consisting in the aggregate of 51,795 persons, 51,135 were natives of countries in Europe north of the latitude of Venice. The census shows similar nativities for the population of Montana and Washington, excepting one modification, which also proves the truth of the principle that civil institutions follow lines of equal temperature. In Montana and Washington is found a larger proportion of population from the Southwestern and South Central parts of the United States, especially from the State of Missouri. It is well known that the isothermal lines of the United States indicate a climate in Washington and western Montana similar to that of the Mississippi valley in the area of Missouri. The population of the new States, the ideas incorporated into their constitutions, and their civil government are an illustration of the laws of climate as affecting human affairs. For instance, the provision relative to slavery in the North Dakota constitution, a quarter of a century after the abolition of slavery in the United States, is found in the constitution of New Mexico (1889); a common provision which illustrates the supremacy of a national idea, which has been incorporated into the national Constitution, and which has become authoritative west of the Mississippi



river in the actual opinions of the people, largely because of the immigration of persons from the East whose opinions on that subject were intensified by events in which they participated a generation ago. The provision in a State constitution against slavery so long after its abolition, is a passing proof of the persistency of political ideas. When the North Dakota constitution was framed under the enabling act of 1889, it recognized the national Constitution as "the supreme law of the land," and thereby incorporated the thirteenth amendment to the National Constitution. The new State constitutions illustrate in many of their provisions this persistency of political ideas in this country. Perhaps the most striking illustration of all is the great length of the constitutions themselves, by which they become the residuum of what may be denominated the accepted political experience of the people in their civil life as citizens of an American State. An exhaustive examination of these constitutions would show the persistency of every political and civil idea which has prevailed from New England westward since the birth of the Nation.

The journals and debates in State constitutional conventions held in all the States which are situated in the area of the country comprised in the New England zone—New England, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Colorado, Nevada, California, and Oregon—comprise a political literature whose theme is the development and differentiation of fundamental political ideas, from time to time, according to the exigencies of public affairs. All the constitutions of these Northern States, both those which now are in force and those which have formerly been in force, are of one class, and contain a body of provisions essentially alike. The type is that of Massachusetts and Pennsylvania, modified as it moves westward. A consideration of the climatic and sociological laws which have determined the character of the population of the new States explains the cause of the principal differences

between these new constitutions, and, *inter alia*, why they fall into two groups, the two Dakotas forming one and Montana and Washington forming another. The second group has received a population from a different source from that which fed the Dakotas—Montana and Washington comprising within their population a larger percentage of persons from the South and the Southwest than is found in the Dakotas.

The State of Missouri first affected the organization of another State in 1855, when the admission of Kansas was a national issue. Oregon, four years later, was admitted as a State, and its population was largely composed of people from Missouri. Again, the influence of Missouri is shown in the organization of Washington and Montana, which, taken together, contained in 1880 four times as many persons born in Missouri as were of that nativity in the two Dakotas. In general terms, the difference between the Dakotas, and Montana and Washington, may be stated, so far as population is concerned, to consist in the difference which exists between the people of the United States inhabiting States north of Mason and Dixon's line and the Ohio River, and people inhabiting the Mississippi valley south of the northern boundary of Missouri and west of the meridian of Pittsburg. The Dakotas are populated from the Northern and Eastern States; Montana and Washington from the Central and Southwestern States.

Each State elects a legislature composed of two houses, called the senate and the house of representatives. Legislative sessions are biennial. In the four States representatives are chosen for two years. South Dakota chooses her senators for two years, but the three other States elect senators for four years. In South Dakota, North Dakota, and Washington there is no distinction in principle between the system of districting for senators and that for representatives—a district for either division consisting of "a compact and contiguous area;" North Dakota having only one geographical division, into thirty-one districts,

among whose electors are distributed its thirty-one senators and its sixty-three representatives. Washington is divided into twenty-four senatorial districts, electing thirty-five senators—a senatorial district consisting of a county or a group of counties. Each county constitutes a representative district, and there are seventy representatives elected in the thirty-four counties. South Dakota provides for forty-one senatorial and fifty representative districts, electing forty-five senators and one hundred and twenty-five representatives. Montana alone, of the four States, followed the principle obtaining in the Congress of the United States, where each State is equally represented in the Senate and proportionally represented in the House. Montana constitutes each county a senatorial district with one senator, and each county is represented in the lower house according to its population. The Montana legislature consists of sixteen senators, one from each county district, and fifty-five representatives, apportioned among the sixteen counties. The number of members of the legislature is fixed in each constitution.

The constitutional qualifications for membership to the legislature in Washington are, being a citizen of the United States and a qualified voter in the district for which the member is chosen. Montana requires the additional qualifications of twelve months' residence, and that a person be twenty-four years of age if he be a candidate for the senate. North Dakota requires the candidate for the senate to be twenty-five years of age and two years a resident. South Dakota requires the age of twenty-five years and two years' residence of the candidate for either house. He must also be a citizen of the United States. South Dakota excludes from eligibility to legislative office any person "convicted of bribery, perjury, or other infamous crime," or who has not accounted for any public moneys due from him. Persons holding office under the State, the national government, or any foreign government, excepting persons holding the office of notary public, of justice of the peace, and

that of postmaster whose annual compensation does not exceed \$300, are ineligible to the State legislature. The provision relative to the ineligibility of judges, clerks of courts, State officers, and Federal officers is common to the constitutions of the Dakotas and Washington.

Save that of Washington, each constitution provides for a State census in the year 1895, and decennially thereafter. North Dakota and Montana re-district after each census, *i. e.*, every five years; South Dakota re-districts only after the Federal census. Provisions common to the legislative departments in the constitutions of other States are common to the new constitutions, such as the organization of the houses; power over members; journal; adjournment; oaths of members; compensation of members, and their rights and privileges. Montana follows the national Constitution in requiring money bills to originate in the lower house; the Dakotas and Washington allow any bill to originate in either house. This partial obliteration of one of the traditional differences between the two branches of the legislature illustrates one of the tendencies of the present phase of political thought to institute one legislative house instead of two, an idea carefully and earnestly considered in the North Dakota convention, and suggestive of the popular distrust of State legislatures, which may be said to characterize a large portion of the American people at the present time.

The work of the four conventions brings into sharp relief the essential difference between the tendency and the character of political changes in England and in the United States. In England every reform in government for a thousand years has had for its immediate purpose the limitation of the powers of the executive; in the United States, since 1776, the opinion has steadily grown that it is safer to limit the powers of the legislature and to increase the powers of the executive. Englishmen distrust the Crown and grant almost unlimited powers to Parliament; Americans distrust the legislature, especially their

State legislatures, and give great powers to their President and to their governors. The details of these four constitutions illustrate this fixed tendency in American politics. The articles in the new State constitutions on the "Legislative Department" are long and detailed. They seem to be composed by the framers in order to declare what the respective State legislatures cannot be permitted to do. The principal prohibitions on the legislature are: on enacting any private or special legislation; on extinguishing or releasing the obligations of corporations or of individuals to the State; on legislative bribery; on personal or private interest in a bill in any member; on irregular form in framing bills; on appropriations of moneys; on performing legislative functions by deputy; on loaning the credit of the State to corporations; on authorizing lotteries; and on entertaining money bills during the last hours of the legislature. The perusal of these new constitutions suggests that the people have lost confidence in their State legislatures, and that the conventions, responsive to this feeling, have sought to anticipate great evils by limiting the powers of the legislature, or by substantially limiting them in declaring by what procedure the legislature shall act, on what it shall not act, and to what extent it may act. The chief limitations on the legislature are with respect to special or private legislation, corporations, political corruption among members, taxation, and power to use the credit of the State. The provision common to the four constitutions on special legislation is substantially a statement of the evils from which the older States have suffered. An examination of any of the later State constitutions will reveal what these evils are. Whether it is better to limit a legislative body by specifying on what subjects legislation is forbidden, or to constitute the State legislature of such men as are capable of interpreting the essential interests of the State, and of discriminating between proposed legislative remedies, is a question on which men differ. At the present low ebb of ability and

trustworthiness in State legislators, a condition for which the people themselves are responsible, the only escape from legislative evils seems to lie in the direction of sharp limitation on the powers of the legislature. At least, recent constitutional conventions have attempted no other remedy. Short terms, rotation in office, small salaries, political bossism in State politics, concentration of interest and powers in the national legislature, and industrial enterprises and business activity among the people which have tempted them to allow public treasures to be stolen, that the private citizen might be left in quiet to pursue his own profitable occupation, are among the causes which have produced the present distrust of State legislatures, and the evident effort to tie their hands so as to save the State from violence. South Dakota states the principal inhibitions against special legislation in eleven clauses, naming forty-five examples; North Dakota in thirty-five clauses specifies some ninety examples; Washington in eighteen clauses and Montana in one elaborate section provide as many more examples.

When a provision is at last introduced into a State constitution, it is proof that the evils against which it is directed are of long standing, and have become almost paramount in the State. The sections on the "corrupt solicitation of members of the legislature," almost identical in language in the four new constitutions, suggest the alarming hold of such evils in State legislation in this country, and the evident distrust of the people that their representatives will be able to withstand them. The evident purpose of the sections is to prevent the evils of lobbying.

The executive power is vested in a governor, elected in the two Dakotas for a term of two years; in Montana and Washington for a term of four. Washington requires the candidate for governor to have the qualifications of an elector in that State; the three remaining States require him to be thirty years of age and a citizen of the United States. Montana and South Dakota require a two years'

residence; North Dakota a residence of five years. The Dakotas and Montana declare the governor to be ineligible to any other office during his term as governor; a suggestive provision as indicating an effort of the convention to diminish the abuse of political influence in elections. It is now considered in many States of the Union that the office of governor is a stepping-stone to that of United States Senator; early in the present century the United States senatorship was considered a stepping-stone to the office of governor.

The framers of these constitutions set limits to executive power. They give the governor some of those powers common to the office in this country for a century: the power to convene the houses; to send an annual message; to veto bills; to act as commander-in-chief of the State militia; to execute the laws. They empower him to veto "the section or sections, item or items," of a bill to which he has objections. Washington and Montana provide that he may veto a portion of any bill; the Dakotas provide for such a veto only in case of a bill making appropriations.

In the exercise of the pardoning power, the governor is limited in South Dakota and in Montana by the action of a board of pardons, consisting in Montana of the secretary of State, the attorney-general, and the State auditor, and in South Dakota of the presiding judge, the secretary of State, and the attorney-general, to which board the governor can only make recommendations. In North Dakota and in Washington the pardoning power is vested in the governor "under such regulations and restrictions as may be prescribed by law." In South Dakota the governor may remit fines and forfeitures, grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment; in all cases where the sentence of the court is capital punishment, imprisonment for life, or a longer term than two years, or a fine exceed-

ing \$200, the governor can only recommend to the board of pardons.

Against "corrupt solicitation" of the governor, or his abuse of his official privileges to influence any member of the legislature in any question or matter, the constitutions of the two Dakotas make express and severe provision, in language nearly alike. The introduction of such a saving clause in a State constitution suggests a lamentable experience in the older States of infidelity to public trust in the office of the chief executive of a State. The absence of such a provision from the constitutions of the other two States may be explained, perhaps, by the infrequent occurrence of gubernatorial infidelity in those States after whose constitutions the constitutions of Washington and Montana were modelled. An act so criminal in its nature would not be anticipated in a State constitution, and an elaborate clause guarding against so serious an evil would be introduced only after the actual existence of flagrant evils in the older States. It is seldom that the governor of a State offends by taking a bribe; seldom that the bribery of members of the houses can be proven. But the presence of elaborate sections intended to prevent legislative and executive corruption is most significant, and evidence of the effort of the conventions to anticipate so direful evils in the new States. Whether such corruption can be prevented by anticipating it in constitutional provisions, or whether the cure is to be found only at the polls, is an unsettled problem.

In fixing the salaries of the governors, South Dakota grants \$2500, which may be increased by the legislature to \$3000; North Dakota, \$3000; Washington, \$4000; and Montana, \$5000 per annum. The relative salaries of all officers in the four States is fairly indicated by the salary of the governors. The farming influence in the Dakota conventions favored low salaries; the mining influence in the two other conventions favored higher salaries. North Dakota and Montana provide that the salary of the governor may be



changed by the legislature, and Washington provides that his salary shall never exceed \$6000 per annum. It may be said that the difference between the Dakotas and Montana and Washington, in opportunities to accumulate wealth and the difficulty on that account in finding men to stand candidate for the office of governor, because the profits of private business far exceed the profits from public office, would naturally cause a marked difference in the salaries paid State officials. In other words, it may be said that it is as difficult to make an annual income of \$2500 in South Dakota as one of \$4000 in Washington or of \$5000 in Montana.

The administrative offices provided for in the four new States are similar. The Washington constitution provides that the legislature at its discretion may abolish the offices of lieutenant-governor, auditor, and commissioner of public lands. A peculiar provision in these constitutions, and one which marks a change in American political thought, is concerning the manner of choosing the administrative officers of the State. This change is shown in the North Dakota constitution, which provides that the secretary of state, the auditor, the treasurer, the superintendent of public instruction, the commissioner of insurance, the three commissioners of railroads, the attorney-general, and the commissioner of agriculture and labor shall be elected by the qualified electors of the State at the times and places of choosing members of the legislative assembly. In the four States all the administrative officers are thus elected: a suggestive change from the custom under the older State constitutions. In the first State constitutions all the administrative officers were appointed by the governor; in many of the States that manner of choice still prevails. In others, some of these officers are appointed, some elected, as in Pennsylvania. The change to an election of them all indicates a "triumphant democracy."

There has been a long struggle in many States between the adherents of an elective and those of an appointed judiciary.

It may be admitted that the system of appointed officials in State governments is decaying, and doubtless the new State constitutions of the future, whether in new or in old States, will embody the system now incorporated in the constitutions of the four new States. The reason for the change from an appointed to an elective body of State officials is complex. Popular disappointment in the operation of the State governments, and the decay of popular interest in them; distrust of the executive, who, by all traditions, is entitled to appoint those who assist him in the administration of the State government; and the intimate desire of the electors to choose for themselves every representative of their interests, are among the direct causes of this change. Whether the civil service is as efficient under the control of such officers elected as under the control of such officers appointed is not a settled question. Experience in the national government seems destined to be paralleled by an experience under a totally different system in the State governments. For instance, it is problematic whether a superintendent of public instruction elected by the qualified voters in a State will be as competent a man for that office as one appointed by the governor of the State. Under the present tyrannical conditions, there is danger that the superintendent of public instruction may be more astute as politician than as educator. Experience in some of the older States has repeatedly revealed that under an elective system a superintendent of schools often knows more about politics than about pedagogy. Not only are the administrative officers elected, but they are elected for short terms, and it may be confidently expected that the system of rotation in office, the almost inseparable concomitant of a short term, will cripple the civil service of the new States.

Among the administrative offices are several of economic significance, as those of insurance, railroad, agriculture and labor, prison, and public land commissions. The first State constitutions knew nothing of such offices, because

the people of the State then knew nothing of the complexity of modern social, political, and labor interests. Legislatures are now compelled to avail themselves of the reports of experts, or *quasi* experts, in order to enact laws which may remotely ameliorate the conditions of the people of the State. When are considered the demands upon the modern legislature, and the character of that legislature, according to the confessions of the American people in their State constitutions, the tendency to short legislative sessions once in two years is expressive of a hope of escape from both "over-legislation," which is merely the activity of zealous but, as is sometimes the case, incompetent men, and inadequate legislation, which is the confession of mere politicians. It may be that the creation of bureaus in the modern State government is practically the solution of the problem how to escape the danger of a session of the legislature; but it is only by long experience in the preparation of economic statistics, and by patient expert examination of economic conditions, that the work of such bureaus and commissions can become of any value whatever to the people of the State. It is to-day impossible to obtain from any State government a complete and trustworthy record of the economic condition of that State, either during a recent or a remote time. The celebrated Massachusetts reports, most admirable as they are, are incomplete: a fault by no means due to the commissioner of labor of that State, but to the inadequate provision made by the State itself for the preservation of economic records. Only when a State makes provision in its constitution for the exhaustive collection of all kinds of knowledge requisite to the complete exposition of the character of the State and its people, according to a continuous system, even faulty rather than spasmodic, can the reports of commissions and bureaus have value. The conventions that framed the new constitutions made no adequate provision for the collection of such knowledge.

Subject to the uncertainties of politics, it cannot be expected that the knowledge gathered by the various administrative officers will possess either accuracy or relevancy.

It is evident that these constitutions limit both the powers of the legislature and of the executive, and retain much power in the hands of the electors. Experience alone will demonstrate to the people of the new States the wisdom or the folly of attempting to conduct a State government so directly by the electors themselves. These constitutions mark a step toward a pure democracy characteristic of a society somewhat dissatisfied with the course of politics. The work of the four conventions is an indirect blow at that system of representative government which has had its course in the older States almost from their origin. It is a modern application of the principle quoted in the national Constitution, that all powers not delegated remain in the people. To any objections raised against the elective features in these constitutions, it may be said that by making the offices elective the responsibility of the people is brought home to the electors, and the intelligence of that body is necessarily sharpened. Many American citizens will watch with keen interest the practical operation of the system of State government under these new constitutions. Ample provision is made for their amendment, and experience alone will dictate the terms of amendment if demanded.

The judicial power of the new States is vested in the Senate, sitting as a court of impeachment, in supreme courts, in superior (district or circuit) courts, in justices of the peace, and in municipal courts. The judiciary of each State differs from that of either of the other three. The South Dakota supreme court has appellate jurisdiction only, except in specially provided instances, co-extensive with the State, and it has a general superintendence and control over all inferior courts under regulations and limitations prescribed by law. The judges of this court, at present three in number, are required to be men learned

in the law, at least thirty years of age, citizens of the United States, and residents of the district in which they are elected. Under the first election the supreme court judges were elected for a term of four years, but at subsequent elections the term is to be for six years. The annual salary of the judge is \$2500, which may be increased by the legislature to \$3000. Two terms of the supreme court are held at the seat of government each year. The court has power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, injunction, and other original and remedial writs, with authority to hear and determine the same according to law; but no jury trials are allowed in the court; in proper cases questions of fact being sent to a circuit court for a trial before a jury. A majority of the supreme court judges constitute a quorum, and the number of the judges may by law be increased to five. The court has a clerk, and a reporter appointed by the court, to hold office at the pleasure of the court. The reports are published and distributed according to legislative provision, and an evil complained of in some of the older States is anticipated by the provision that no private person or corporation shall be allowed to secure any copyright to such decisions, "but if any copyrights are secured, they shall inure wholly to the benefit of the State." In North Dakota, cases requiring a jury trial are sent to a district court for trial. Unlike the South Dakota provision, for judicial districts, the three supreme court judges are elected at large for the term of six years, and their salaries are to be fixed by the legislature. The court holds three sessions each year—one at the seat of government, one at Fargo, and one at Grand Forks. Whenever the population of the State equals six hundred thousand, the legislature may increase the number of the supreme court judges to five. Vacancies in the court are to be filled by the governor until a judge can be chosen at the next regular election. A judge interested in a case is forbidden to sit in that case. The influence of the lawyers in the convention caused a

provision to be inserted in the constitution that it is the duty of the court to prepare a syllabus of the points adjudicated in each case, to be concurred in by a majority of the judges of the court, and prefixed to the published reports of the case: a provision expressive of the common wish of attorneys-at-law respecting the supreme court in any State. The syllabus of the case is usually prepared by the reporter, and often misses the essential points in the decision. The powers of the supreme court in the two Dakotas are similar. In Montana, the supreme court, which is constituted with powers similar to the Dakota court, may summon a jury according to law. The judges of the court are elected at large for a term of six years, and they are required to have qualifications common to those required in the Dakotas. The membership of the court may be increased to five, and three terms of the court are held annually at the seat of government. The salary of a supreme court judge is \$4000 per annum. The supreme court of Washington consists of five judges, each elected at large for a term of six years. The annual salary of the judge is \$4000; but the salary and membership of the court may be increased at the discretion of the legislature. The clerk and the reporter of the court are appointed by the court to hold office during its pleasure. Provision is made for separate departments of the supreme court at the will of the legislature. The court has original jurisdiction in *habeas corpus* and *quo warranto* and *mandamus* as to all State officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction does not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy does not exceed the sum of \$200, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. It has power to issue writs of *mandamus*, review, prohibition, *habeas corpus*, *certiorari*, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of its judges has

power to issue writs of *habeas corpus* to any part of the State upon petition by or on behalf of any person held in actual custody, and make such writ returnable before himself, or the supreme court, or any superior court or judge of a superior court. In South Dakota the governor has authority to require the opinions of the judges of the supreme court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

The courts immediately inferior to the supreme court in the new States are called circuit courts in South Dakota, superior courts in Washington, and district courts in North Dakota and Montana. In South Dakota are eight judicial circuits, in each of which one judge of the circuit court is elected for four years, at an annual salary of \$2000, which may be increased by the legislature to \$2500. This court has original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law, consistent with the constitution, the legislature being empowered to limit such jurisdiction as to value, amount, and grade of offence. The court and its judges have jurisdiction and power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, injunction, and other original and remedial writs, with authority to hear and determine such cases as arise under those writs. The legislature may increase the number of districts and judges, but cannot form a new district so as to remove a judge from his office during the term for which he was elected. Writs of error and appeal lie from the circuit court to the supreme court.

In each organized county in Washington is a superior court, with one judge, elected for four years, at an annual salary of \$3000. Every case submitted to a judge of the superior court must be decided by him within ninety days from date of submission, or, if a re-hearing is ordered, within ninety days of the submission upon such re-hearing. The superior court judges are required, on the first

day of November of each year, to report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court, on or before the first day of January of each year, are required to report in writing to the governor such effects and omissions in the laws as they may believe to exist. The superior court of Washington has original jurisdiction in all cases of equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to \$100; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. This court has original jurisdiction in all cases and of all proceedings in which jurisdiction has not been by law vested exclusively in some other court, and it has power to naturalize foreigners. It has appellate jurisdiction in cases arising from justices' courts, and from other inferior courts in the respective counties as is prescribed by law. It is always open, except on non-judicial days, and its process extends to all parts of the State. The superior courts and their judges have power to issue writs of *mandamus*, *quo warranto*, review, *certorari*, prohibition, and writs of *habeas corpus*, as in the circuit courts of South Dakota. The judge of a superior court may preside in any county at the request of the superior judge of that county, and it is his duty to preside there if required so to do by the governor.

The district courts in North Dakota are six in number, each district judge being a resident of his district, and elected for four years. He is also required to be learned in the law, a resident of his district for two years previous to his elec-



tion, and at least twenty-five years of age. The jurisdiction, powers, and provisions in the constitution respecting the district courts of North Dakota are almost identical with similar provisions for the circuit courts of South Dakota; and in the Montana constitution its provision for district courts is almost identical with the provisions for superior courts in the State of Washington. It is in these middle courts in the four States that the greater part of the judicial business of the States will be determined; and with respect to the organization of these courts, their powers, and their jurisdiction, the States go in pairs—North Dakota and South Dakota, Montana and Washington. North Dakota provides for "Tribunals of Conciliation," to be established with powers and duties as prescribed by law; but such tribunals, when sitting as courts, have no power to render judgment obligatory on the parties unless they voluntarily submit their matters and differences, and agree to abide the judgment of such tribunals. Montana and Washington, in constitutional language almost the same, provide that in civil actions in district or superior courts, the case may be tried by a judge, *pro tempore*, who must be a member of the bar of the State, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case. The order, judgment, or decree of such a judge has the same force as if rendered by the court with the regular judge presiding. Washington also makes special provision for the appointment of court commissioners, by the judge of the superior court, to perform the duties of a judge at chambers, subject to revision of the superior court judge.

The Dakotas provide for county courts, the electors in each county choosing a county judge for the term of two years. These courts have original jurisdiction in probate and testamentary matters. In South Dakota these courts have civil and criminal jurisdiction conferred by law, providing that their jurisdiction in any case where the debt, damage, claim, or value involved is \$1000 or more, except

in probate matters, ceases. They also have jurisdiction in criminal cases below the grade of felony. Writs of error or appeal are allowed from the county court to the circuit or the supreme court, as the law provides. In North Dakota a peculiar provision obtains. Whenever the voters of any county having a population of two thousand or over, decide by a majority vote that they desire the jurisdiction of the county court increased above that limited by the constitution of the State, then the county court in the county so electing shall have concurrent jurisdiction with the district courts in all civil actions where the amount in controversy does not exceed \$1000, and in all criminal actions below the grade of felony. In case the electors in a county make this judicial change, the jurisdiction in cases of misdemeanors arising under State laws which may have been conferred upon police magistrates ceases in that county. The qualifications of the judge in the county court whose jurisdiction is thus increased are to be the same as those of the district judge, except that he shall be a resident of the county at the time of his election. The jurisdiction so changed continues until otherwise provided by act of the legislature.

In Washington the jurisdiction of the justice of the peace is fixed by the legislature, but it must "not trench upon the jurisdiction of superior or other courts of record." In Montana the electors in each township elect at least two justices of the peace for the term of two years. In each of the four States the jurisdiction of the justice is fixed by the legislature. In Montana they have no jurisdiction in any case where the debt, damage, claim, or value of the property involved exceeds the sum of \$300; in the Dakotas, \$200. They have no jurisdiction in any case in Montana involving the title or right of possession of real property, nor in cases of divorce, nor for annulment of marriage, nor in cases of equity, nor to issue writs already specifically named in connection with the superior courts in that State; nor to naturalize foreigners, nor in cases of felony, except

as examining courts or for preliminary hearings. Cases below the grade of felony may be brought into these courts by information; appeals are allowed to the district courts. With slight modifications, but not with essential differences, the justices' courts of the two Dakotas are constituted similarly to those of Montana. Police and municipal courts are provided in each of the constitutions after the type of the justices' courts.

Each county in Montana elects a county attorney for two years; South Dakota and North Dakota also have a county officer of the same title and duties. Each State provides for an attorney-general. Each State also modifies the provision for a jury from that common to the constitutions of the American States. The right to a jury trial is guaranteed in each constitution; but the organization of the jury itself is somewhat changed from the traditional type. Washington provides for a jury of any number less than twelve in courts not of record, *i. e.*, in courts inferior to the superior court; and that a verdict may be given by nine or more jurors in civil cases in any court of record, and in such cases the jury may be waived with consent of parties. The constitution further provides that no grand jury shall be drawn or summoned in any county except the superior judge of the county shall order one. Montana provides for a grand jury of seven persons, of whom five must concur to find a verdict; but the grand jury, as<sup>1</sup> in Washington, shall be summoned only at the discretion of the district judge. North Dakota provides for a jury in civil cases in courts not of record, *i. e.*, in courts inferior to its district courts, of less than twelve men; and the constitution of South Dakota provides for a jury of less than twelve in any court not a court of record, *i. e.*, in courts inferior to its circuit courts; and the decisions, in civil cases, may be made by three-fourths of the jury in any court.

South Dakota includes a unique provision relative to the political candidacy of judges during their terms of

office, declaring that the judges of the supreme and circuit courts are ineligible to any other than a judicial office during the terms for which they were elected judges, and that all votes given by the legislature or the people for them as candidates for any other than a judicial office shall be void.

The governor, the administrative officers of the State, and the judges of courts of record for malfeasance in office are liable to impeachment by the house of representatives of the respective States, the senate sitting as a court of impeachment. All officers not subject to impeachment under the constitution, may be removed, "as provided by law."

The qualifications of the elector and the provisions concerning elections in these States are essentially uniform in character. In the Dakotas an elector is required to be a citizen of the United States, or, if a person of foreign birth, to be one who has declared his intention to become a citizen conformably to the naturalization laws of the United States; in North Dakota, a civilized person of Indian descent who has severed his tribal relations two years next preceding the election at which he desires to vote may become an elector. An elector is also required in these two States to be twenty-one years of age, or more, to have resided in the United States one year (S. D.), in the State one year (N. D.) or six months (S. D.), in the county thirty days (S. D.), and in the precinct where he desires to vote ninety days (N. D.), or ten days (S. D.), preceding any election. The legislatures of these two States are empowered to subject to the voters of the State at a general election the question of extending the suffrage to all persons, otherwise qualified, without regard to sex. Washington requires the elector to be a citizen of the United States, a resident of the State one year, of the county ninety days, and in the city, town, ward, or precinct thirty days preceding the election at which he wishes to vote. Indians not taxed can never be allowed the elective franchise. Montana requires the

elector to be twenty-one years of age, or more, a citizen of the United States, a resident of the State one year, and of the polling precinct as required by law. In the Dakotas and in Montana any woman, qualified by age and residence, may vote at any school election and be eligible to a school office. The female suffrage clause submitted separately to the electors of Washington at the time of the election to ratify the constitution, was defeated.

The articles on "Education," "School Lands," and "State Institutions" comprise munificent provisions for a system of education in each State, consisting of free public schools, normal schools, technical schools, colleges, and universities. The generous gift of Congress has been already estimated in value; the legislatures are empowered to supplement that source of income for schools by taxation. In each State the school fund is made inviolate, and any loss of the school fund is to be replaced by the State, with interest. Elaborate provision is made for the sale of the school lands, by stating the term of years, and other conditions according to which they may be sold. Instruction in any State school is to be undenominational, and no money can be appropriated by the legislature for sectarian purposes. In North Dakota, the superintendent of public instruction, the governor, the attorney-general, the secretary of State, and the State auditor constitute a commission called the "Board of University and School Lands," having control of the appraisement, sale, rental, and disposal of all school and university lands, and directing the investment of the funds arising from such sales. The county superintendent of common schools, the chairman of the county board, and the county auditor constitute boards of appraisal; and under the authority of the State board of university and school lands, they appraise all school lands, within their respective counties, and from time to time recommend such lands for sale, designating as for sale the most valuable lands. The legislature is empowered to lease school lands, but all rents must be

paid in advance. The moneys of the permanent school fund can be invested in the United States bonds, State bonds, or in farm mortgages in the State, the face of the mortgage not to exceed one-third of the value of the mortgaged property as valued by the appraisers of school lands. Similar provisions obtain in the constitutions of the three remaining States. A significant provision in the constitution of South Dakota requires that the science of mining and metallurgy be taught in at least one of the State institutions of learning: a suggestion of the popular apprehension of the industrial and economic demands of the times. The higher schools in each of the States are specifically cared for and adequately endowed: it remains for experience to show whether the people of these great States create a school system, from primary school to university, which in its results will adequately represent wisely used privileges made possible by such munificent endowments. Recent movements and ideas in education found a generous response in the provision by the North Dakota convention for a "School of Manual Training" and one of "Forestry," the former with a grant of forty thousand acres. These two institutions are the first of their kind founded in America by a constitutional convention.

The foundation of State institutions, such as reform schools, asylums, hospitals, and soldiers' homes have already been referred to.

Local government in the States is committed to counties, to townships, and to cities. The Dakotas are substantially alike in their county officers, which are those of auditor, treasurer, sheriff, clerk of district court, probate judge, register of deeds, county attorney, superintendent of schools, surveyor, coroner, and county commissioners (three to five in number, according to population), each elected for a term of two years. The counties of the Dakotas are generally of regular form, and nearly equal each to the other in area—the counties west of the Missouri being somewhat larger than those east of that river.

Each county is composed of townships six miles square, according to the public surveys of the public domain. The regularity of the counties of the Dakotas imparts to a county map of either of those States an appearance like that of a checker-board. With the exception of two counties in Montana—Dawson and Choteau—and of three in Washington—Jefferson, Skagit, and Whatoom, two boundaries of each of which three are irregular—the States of Montana and Washington are subdivided as irregularly as the State of Virginia. The Dakotas and Washington provide in their constitutions for county or township local government as the electors may decide at a regular election. Counties, cities, towns, or townships are permitted to enforce local laws not in conflict with general laws. Such laws are principally laws of police, or laws incident to the administration of civil government in the locality. In each State the chief repository of county authority is the board of county commissioners, similar to that board in Pennsylvania. Sheriffs and county treasurers are not to serve for more than four years (two terms) in succession. It may be said that the system of local government in the new States was introduced before the admission of the States—was carried into the Territories by the settlers from Eastern States, and corresponds essentially with that in force in New York and Wisconsin. The constitutions provide in detail for local government and for the incorporation of cities: the four States present a general harmony in their system of local government and their civil organization illustrates the modified "town" of New England. The people, as the four constitutions repeatedly provide, are at liberty to modify their local government from the county to the township system, as they may elect.

The absence of populous cities in the new States probably explains the meagre provision concerning municipal government in the four constitutions. The contrast in the length of the articles on "Municipal Corporations"

and "Corporations not Municipal" shows forcibly the greater importance in the opinion of the several conventions of the latter subject, and illustrate with equal force the economic importance of railroads, telegraph lines, trusts, and telephone lines, and the influence of the owners of these corporations in the States. The article on "Municipal Corporations" in the South Dakota constitution consists of three clauses; in the North Dakota constitution, of one; in the Washington constitution, of one; and in the Montana constitution, of six sections, not one of which is specifically about municipalities, and the last section of which only mentions "municipal officers," with no provision for city government. The organization and government of the cities of the future in these States are left to be provided for by law, Montana briefly stating that moneys raised by law in any city "shall not be diverted to any other purpose except by authority of law," a provision also of the South Dakota constitution. Washington makes a unique provision for the chartering of cities of twenty thousand inhabitants: "Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this State, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of the qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said



proposed charter shall be published in two daily newspapers published in said city for at least thirty days prior to the day of submitting the same to the electors for their approval." The anxiety of the convention to give ultimate expression to the popular mind is expressed in the concluding sentence of the clause: "In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others." South Dakota, mindful of municipal evils in some portions of the Eastern States, provides that no street passenger railway or telegraph or telephone line shall be constructed within the limits of any village, town, or city without the consent of its local authorities; an inadequate provision against the proclivity of city councils to "sell out" the privileges of the town to a rich corporation, repeatedly done in American cities. But the absence of lengthy constitutional provisions on municipal corporations from these constitutions is, doubtless, an indication of the wisdom of their framers, who put upon the State legislatures the responsibility of enacting just laws for the organization and government of cities, as circumstances may dictate. The inhibition of special legislation will probably result, as is now intimated in the South Dakota provision for a classification of cities into not more than four classes, in municipal legislation not unlike that in Pennsylvania under the constitution of 1873.

In contrast with the general and somewhat indefinite provisions in these constitutions concerning municipalities, are the elaborate articles on "Corporations other than Municipal," which, considered in detail, are a compendium of present corporation law, written by popular sentiment. The article in the South Dakota constitution includes nineteen sections; in the North Dakota constitution, seventeen sections; in the Montana constitution, twenty sections; and in the constitution of Washington, twenty-two sections. In addition to these specific sections under

the appropriate article, each constitution contains other clauses under other headings which refer directly or indirectly to such corporations. The reader of these constitutions is almost persuaded that these new States, at the time of their organization, were in the grasp of powerful corporations, from which each was struggling to get free. The future historian of the United States will find here a testimony to the influence of such corporations in this country, in its frontier regions, at the close of the first century of the Republic.

The constitutions define corporations as "all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships." The organization of such corporations, their relations to the State and to each other are specifically provided for. Organized under "general laws," these corporations are to be composed of members or shareholders who, in choosing their directors, may cast the whole number of their votes, individually, for one candidate or distribute them upon two or more candidates, as the shareholder may prefer, a provision common to the Dakota constitutions. No corporation can issue stocks or bonds, except for labor done, services performed, or money or property actually received; and all fictitious increase of stock or indebtedness is declared void. Nor can the stock be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, nor without due and previous notice of the stock as may be prescribed by law, Montana requiring thirty days' notice to stockholders. In this State also, persons, companies, or corporations are forbidden to require of their servants or employés, as a condition of their employment, or for any other reason, any contract or agreement whereby the employer is released or relieved from liability or responsibility on account of personal injuries received by such servants or employés while in the

service of such employers or their agents; such contracts being declared in the constitution to be null and void.

The charters or grants made to corporations which had a *bona fide* organization at the time of admission of the States, and a known place of business in the State, were declared to be in force. All corporations were required to accept the constitution of the State in which they operated, and Montana required that the acceptance be filed in the office of the secretary of State. The exercise of the right of eminent domain by corporations in either of the States can never be abridged or construed so as to prevent the legislature from taking the property and franchises of incorporated companies, and subject them to public use the same as the property of individuals. Foreign corporations are required, if they do business within the State, to have a known place of business, and an agent there, upon whom legal processes may be served if necessary; and Washington provides against the discrimination by the legislature in favor of foreign corporations over those doing business wholly within the State. A corporation can engage only in that business described definitely in its charter, and South Dakota adds, "nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business." This State also provides for the revocation of the charter of a corporation by the legislature "whenever in their opinion it may become injurious to the citizens of this State, in such a manner, however, that no injustice be done to the incorporators." In North Dakota every railroad corporation doing business in the State is required to keep for public inspection books in which are recorded the amount of its capital stock subscribed, by whom, the names of the stockholders, the amount of stock paid in and by whom, the transfers of stocks, the amount of assets and liabilities of the corporation, and the place of residence of its officers. To the auditor of the State the directors of the road are required to make an annual report, under oath, of all the acts and

doings of the road. Foreign railroad corporations are exempted from compliance with the constitutional requisition. It is not improbable that railroads doing business within the State may all be organized as "foreign corporations," rather than subject themselves to the inquisitorial powers of this clause.

In relation to the State, such corporations as railroads and canals, telegraph and telephone companies, and other transportation companies, are declared to be common carriers subject to legislative control. The Washington constitution explicitly provides, in this relation, that any corporation or association organized as a common carrier, under the laws of the State, has the right to connect at the State line with railroads of other States, whether the railroad be yet built or not; the right also to intersect, cross, or connect with any other railroad; and when such railroads are of the same or of similar gauge, they must at all crossings and at all points, where a railroad begins or terminates at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies must receive and transport each the other's passengers, tonnage, and cars without delay or discrimination. Similar provisions are introduced into the constitutions of the three remaining States. Against the consolidation of corporations, such as railroads, telephone and telegraph lines, and canals, the constitutions are plain. Such consolidation is forbidden, except after notice to stockholders, "as prescribed by law." Rolling stock is declared to be personal property, and liable to sale and execution in the same manner as the personal property of individuals. The relation of the State to corporations is that of the State to individuals, according to these constitutions, and the evident purpose of the conventions was to make this relation clear. The prevailing opinion among the delegates, who expressed the popular mind, was that hitherto, in the older States, too great privileges had been

granted to such corporations, resulting in unjust discrimination against the individual citizen. By the incorporation of such ideas into these constitutions, it follows that the relation of corporations to each other of the same kind is substantially that of individuals to individuals. One corporation is inhibited from discriminating against another. The South Dakota constitution expresses this idea in the clause requiring every railroad company operating within the State to "receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination," a provision embodied in the constitution of each of the States. South Dakota further declares that the legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger traffic on the different railroads in the State. The influence of the Interstate Commerce Act is conspicuous in each of the constitutions.

The protection of the rights of the individual, by the South Dakota constitution is further illustrated in the prohibition on the legislature from depriving any person of an appeal from any preliminary assessment of damages against any kind of a corporation, or against individuals, made by viewers. A jury trial shall decide the damages, as in civil cases. Evidently, the influence of the Farmers' Alliance in the Dakotas was to protect themselves from the aggressive acts of corporations incident to the construction of railroads, highways, or municipal improvements. Pursuing the plan of considering corporations as no more to be favored by the State than individuals, Washington provides that the State cannot loan its credit, nor subscribe to, nor be interested in the stock of any company, association, or corporation.

Washington, mindful of serious bank failures in the older States, makes any bank officer who receives deposits after he has knowledge of the insolvency of his bank, individually responsible for such deposits. Montana makes no reference to banking. The Dakotas provide, in common

language, that if a general banking law be enacted, it shall provide for the registry and countersigning by an officer of the State of all bills or paper credit designed to circulate as money, and require ample security for such currency to be deposited with the State treasurer for the redemption of such notes or bills; South Dakota adds, "in the approved securities of the State or of the United States, to be rated at 10 per centum below their par value; and in case of their depreciation, the deficiency shall be made good by depositing additional securities." South Dakota further provides that such banks "cease all banking operations within twenty years of organization," unless reorganized, and also that the shareholders in such banks be held individually responsible for all contracts and debts of such corporations to the extent of the amount of their stock at its par value, in addition to the amount invested by them in the stock, and that the liability continue for one year after any transfer or sale of stock by any stockholder.

No reference is made in the Dakota constitutions to trusts. Montana and Washington, with a larger experience of the meaning of the term, include in their constitutions the clause, almost identical in language, that no corporation, stock company, person, or association of persons shall directly or indirectly combine or form what is known as a trust, or make any contract with any person or persons, corporation or stock company, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price or regulating the production of any article of commerce or of the product of the soil for consumption by the people, under penalty of law, forfeiture of franchises, or of the right to carry on business within the State. It will be seen that the term "trust" in these two constitutions is synonymous with the term "monopoly," as popularly understood, and does not apply wholly to financial corporations engaged in a general banking business.

State revenue and finance and public indebtedness are



treated at length in these constitutions. The evident purpose of the conventions in treating these subjects was to provide for an adequate revenue annually, to avoid a State debt, and to fix a low rate of taxation. South Dakota empowers its legislature to levy an annual State tax not to exceed two mills (North Dakota, four mills) on each dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes. If the ordinary expenses for the year exceed the income of the State for that year, the legislature in the following year causes to be collected an income sufficient to pay the deficiency and also to meet the current expenses. For paying the public debt the legislature is empowered to levy a tax annually sufficient to pay the interest and the principal of the debt within ten years, provided that this annual tax for the payment of the principal and the interest of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of taxable property. Corporations are assessed in South Dakota "as near as may be by the same methods as are provided for assessing and levying taxes on individual property," and the power to tax corporations is expressly declared to be beyond surrender or suspension by the legislature; the same provision exists in the constitutions of Washington and Montana. To this provision belongs the exception out of taxation of property belonging to schools, religious societies if used for purposes of worship, cemeteries, charitable foundations, State and United States property, and such property as is exempted by law, which in South Dakota is limited to personal property not exceeding \$200 in value, and the homestead. All moneys at interest, stocks, bonds, credits, notes, and bills of all banks and bankers, and money at loan are subject expressly to a State tax "equal to that imposed on the property of individuals."

Local taxation in townships, counties, and cities is provided for in addition to taxation by the State. North

Dakota provides for a poll tax, annually levied, of not more than \$1.50 on every male inhabitant of the State over twenty-one and under fifty years of age, "except paupers, idiots, insane persons, and Indians not taxed," the only mention of a poll tax in the four constitutions. Montana provides a scale of taxation: a tax of not more than three mills on each dollar of valuation as a maximum; whenever the taxable property of the State shall amount to \$100,000,000 the rate shall not exceed two and one-half mills on each dollar of valuation; when it reaches \$300,000,000, the rate thereafter shall never exceed one and one-half mills on each dollar of valuation, unless at a general election a majority of votes shall increase the rate. This clause in the constitution is a striking illustration of the intensely democratic character of these constitutions. In order to provide against the evils of hopeless municipal indebtedness, the Montana convention introduced the somewhat questionable provision that private property cannot be taken or sold for the corporate debts of public corporations, but the legislature is empowered, in such a case, to provide for the funding of the corporate debt. Possibly the time may come in Montana when this clause may be seen to have encouraged city indebtedness in confidence that that indebtedness will be met by the credit of the State. Were such a clause in the constitutions of some of the Eastern States, it would tempt to such indebtedness. Montana has a State board and county boards of equalization, with the duties usually attendant upon such officers: the State board consisting of the governor, the secretary of State, the State treasurer, the State auditor, and the attorney-general; the county boards are composed of the county commissioners for the respective counties. The two Dakotas make similar provisions concerning revenue and taxation, somewhat unlike the provisions in Montana and Washington, which two States are more alike in their several financial and taxation clauses than either or both of them compared with the Dakotas. The usual annual



reports are required of the several administrative and financial officers of each State, and these officers are subject to the usual securities and bonds. Public moneys, if drawing interest, accrue to the benefit of the State, and the making of profit out of them by private individuals or public officials is declared to be an offence.

The limit of State indebtedness is fixed by the constitutions at \$100,000 in South Dakota and Montana, at \$200,000 in North Dakota, and at \$400,000 in Washington as the amount beyond which the legislature is not empowered to pass, unless in time of war to repel invasio<sup>r</sup> or to suppress insurrection. Montana expressly prohibits the State from assuming the debt, or any part of the debt, of any town, city, county, or municipality. It permits a county to become indebted to the amount of 5 per centum of the value of the taxable property of the county, but limits the amount of such indebtedness to \$10,000, unless the county electors vote to exceed that amount. Cities, towns, and townships are limited to 3 per centum of the taxable property within their respective jurisdictions; but the legislature is empowered to submit to the electors in municipal corporations the question of an increased debt "when such increase is necessary to construct a sewerage system or to procure a water supply for such municipality, which shall own and control said water supply, and devote the revenues derived therefrom to the payment of the debt."

A similar provision as to the limits on county, township, and city indebtedness obtains in the North Dakota constitution, and in part (as to the 5 per centum maximum) in South Dakota. All bonds issued by State, county, township, or municipal authorities contrary to these constitutional provisions are declared to be void. Each of the four States assumed its territorial debt; the territorial debt of Dakota being divided between the two Dakotas, according to the provisions of the enabling act.

The militia of the four States consists of all able-bodied male citizens residing in the States, between the ages of

eighteen and forty-five years, unless exempted from service by law. Persons having conscientious scruples against bearing arms are exempted in South Dakota, and also in Washington and in North Dakota, "provided they pay an equivalent for such exemption." The constitution of each State provides for militia officers, and for the organization of the militia "as nearly as practicable" in conformity "to the regulations for the government of the armies of the United States."

The first relic of experience may be seen in the provision common to the Montana and the Washington constitutions, but absent from the constitutions of the Dakotas, forbidding the legislatures to authorize any lottery or gift enterprise. The homestead, or a portion of it, together with an amount of personal property to be fixed by law (fixed by the constitution in South Dakota), is the subject of exemption in all the States. In South Dakota married women have all the property rights of *femmes soles*, their property not being liable for the debts of their husbands. Oaths of office, impeachments of all officials, or their removal from office, the style of legal process, the designs for the seals of the States, the organization of a bureau of labor (in Washington and in South Dakota), and the method of constitutional amendment are adequately provided for.

The method of amending or altering the constitution in Montana, Washington, and South Dakota is simpler and more direct than that in the older States. An amendment, approved by both branches of any legislature, having been duly published a required time, is to be submitted to the electors of the State at the next general election. Approval of the proposed amendments (of which the number to be proposed at one time is limited to three in Montana) by the electors, adds them to the constitution at that time in force. Any legislature in either of these three States may propose to the electors in the same manner the calling of a constitutional convention, and upon the approval

of that proposition by a majority of the electors, a new constitutional convention, equal in number of delegates to the total membership of both houses of the legislature, will be summoned at a fixed time after such an election. North Dakota, following the method for amendment more common in the older States, provides that any legislature of that State, by a majority vote, may propose amendments to the constitution, which shall be entered upon the journals of the two houses and referred to the next legislature, which, upon a majority vote so to do, shall submit the proposed amendments to the electors of the State for their ratification or disapproval. In each of the States provision is made for the submission of separate amendments to the electors for their approval or disapproval. It is possible, therefore, for three of these States to have a new constitution every three years. At the election in October, 1889, the Dakotas and Washington conventions submitted, as separate articles, a clause prohibiting the manufacture, sale, gift, or importation into the State of any intoxicating liquors. Washington also submitted in the same manner an article in favor of Woman Suffrage, and South Dakota one providing for minority representation.

Provision was made in each constitution for the status of all cases at law in the territorial courts, continuing the standing of parties and securing justice under the State judiciary, which became the successor to the territorial system of courts, save in such cases as were to be tried in the courts of the United States. In the compact setting forth the relation of the new States to the United States, the enabling act was followed, and the Constitution of the United States, and the laws and treaties made under it, were declared to be the supreme law of the land.

The framing of four State constitutions, in convention contemporaneously, essentially alike in their general character, and in many important articles identical, is a remark-

able evidence of the persistency of common civil principles and opinions among the people of the United States.<sup>1</sup>

In a comparison between these recent constitutions and the earlier constitutions of the States east of the Dakotas, it may be said that the general features of the constitutions of the new States resemble the general features of the more than one hundred and thirty State constitutions framed in this country before them. But a comparison so general is almost worthless without pursuing it into a general comparison of details. The division of government into legislative, executive, and judiciary is common to all the American constitutions framed in the eighteenth century, and no principle in government seems better settled than the principle that the definition of tripartite government should be as distinct as possible. In the constitution of Massachusetts of 1780, yet in force, the only surviving State constitution of the last century, this distinction in civil functions is clearly stated, and in all the constitutions

<sup>1</sup> On the second Tuesday of October, 1889, the electors in each of these States ratified the constitution submitted to them by the constitutional convention. The four constitutions were adopted. The article on prohibition, submitted separately in the Dakotas, was adopted in both; the article providing for minority representation in South Dakota was rejected by the electors; the two Dakotas were admitted into the Union at the same moment, November 2, 1889. In North Dakota the official report of the vote shows that 27,441 votes were given for the constitution and 8107 against it, being a majority in favor of the constitution of 19,334. For the prohibitory amendment to that constitution were given 18,552 votes, and against the amendment 17,393 votes, being a majority of 1159 votes in favor of prohibition. In South Dakota the official report of the number of votes cast shows 70,131 for the constitution and 3267 against it. The great majority in favor of the new constitution in this State is partly explained by the fact that the constitution of 1889 was substantially the Sioux Falls constitution of 1885, which was familiar to the people of the State, and accepted by them in 1885 by a heavy majority. In Montana the vote in favor of the constitution was 24,676; against the constitution, 2274. The large majority in Montana is partly explained in the same manner as in South Dakota; the Montana constitution of 1884, of which the constitution of 1889 was in many respects a copy, was acceptable to the electors of that State. Each convention assembled July 4, 1889; that of South Dakota adjourned, *sine die*, August 5th; that of North Dakota and of Montana, August 17th; and that of Washington, August 22d. Montana was admitted into the Union by proclamation of the President November 8th, and Washington, November 11, 1889. Dakota had sought admission three times, Montana twice.

which have been framed from Boston to Olympia this civil differentiation has obtained, not, however, with equal definition in all. There seem to be four rather than three dimensions to government, the fourth dimension springing necessarily out of the relations between the other three, being the dimension or department of administration. This fourth function is in conformity with the history of the growth of government in this country. During the seventeenth and eighteenth centuries the struggle in this country was to determine the principles of government. This struggle was the civil characteristic of the colonial period, and it closed with the era of constitution-making from 1776 to 1789, during which time the first State constitutions and the present national Constitution were framed. But before the making of these constitutions there was the long-continued labor to work out the foundations of government. This foundation, as worked out during the last century in America, finds expression first in the general principles set forth in Bills of Rights, which formulate accepted principles of civil relations. These Bills of Rights are the characteristics of later colonial life, and they appear in all the colonies in similar form, style, and language just before the outbreak of the Revolution. But these general principles were too vague for a practical foundation of government, and the early constitution-makers merely used these Bills of Rights as prefaces to detailed plans of government which we are accustomed to call the constitutions of the States. In these detailed plans precedent was closely followed, and the traditional threefold division of governmental powers and functions was observed. There was one element in the conduct of government in which the Americans of the last century failed to see that practical power and significance which is now clear to statesmen—the element of administration. Nor did the European governments approach any nearer than did the Americans to an adequate understanding of administrative law. After a century of experience in the conduct

of representative government in this country the function of administration is more clearly defined. The earlier constitutions of this century hint at this definition or differentiation of a new element in government, or, to speak more accurately, at this discovery of a permanent element in government; and since 1825 the various State constitutions illustrate the recognition of this function separate from the legislative, the executive, and the judiciary. This recognition is apparent in the Northern States rather than in the Southern, because the Northern States revised their constitutions or framed new ones oftener than did the Southern States. This revision of constitution-making in the North was chiefly due to migration and immigration in the North, and the constant civil activity incident to the organization of many new civil units, new Territories and new States.

It is one labor to lay down the principles of representative government; it is another labor to administer these principles. These two labors are distinct, as experience in this country has shown. The administration of government in this country is popularly supposed to be the triumph, for the time being, of a political party, but our history, both State and national, will correct this popular supposition. One instance in national history will suffice: the administration of national affairs when Jefferson succeeded Adams in 1801. The party of Jefferson did not introduce a new administration of the government; it found that to a great degree it was impracticable and inexpedient to change the methods of administration already in vogue. Jefferson's reputed saying of the Federalists left over in office applied, perhaps, more truly to the principles of Federal administration: "Few die and none resign." To introduce an entirely new scheme of running the government would, in Jefferson's time as it would now, upset most disastrously the stability of business, the execution of the laws, and the obligation of contracts. The administration of government has been found to be a science and



its course a course of principles, just as the course of legislation or of judicial decisions follows a system based on recognized principles. Gradually, therefore, there has come into constitutional form a clearer idea of the permanent element of administration, and in the recent State constitutions this fourth department of government is more clearly defined than ever before in this country. In other words, the people are coming to believe that there is a permanent system of administration possible, and they have been forced to this conclusion by the fearful expense of administrative experiments which have been made in all the States, and often in the national government, during the century. But it has taken nearly a hundred years to learn the alphabet of this lesson. The constitutions of the four new States may well be examined with reference to the significant changes which they present in comparison with the constitutions of the last century. The summary of the case may be stated something in this form: it is agreed how representative government should be constituted; it is partially agreed how representative government must be administered. These new constitutions, like those which have come since 1860 in various parts of the Union, approach a definition of the administrative department of government by curtailing the other departments. Limits are set on the executive, on the legislative, and on the judiciary. This limitation means practically that if special legislation is prohibited under eighty sections or on eighty subjects, the legislature by such limitation is compelled to pursue a system, though rather a loose system, of prescribed administration. If the executive is forbidden to exercise some functions hitherto commonly exercised by the executive of a State, this limitation implies that to the extent of the limitation he must follow an administrative system, although that system be still loosely organized. If the judiciary is compelled by constitutional limitations to pursue whatever course, either by limitation of terms, tenures, methods of trial, jury systems, or juris-

diction, that limitation is practically the introduction of an administrative system into the scheme of government. These limitations on the three ancient departments of government are only strong indications of the change through which constitution-making is passing; the creation of a body of administrative officers with defined duties, however illy defined, is a further evidence of the tendency to recognize the fourth department of government. In politics the recognition of this fourth department finds expression in the civil service, whose reform implies a fixed administration of affairs. In other words, the people are learning that it is easier and cheaper to change the governor, the members of the legislature, and the judges, than to change the body of administrative public servants who practically do the work of government. Without doubt we are tending to a condition of permanency in the administrative force in government, and we are defining with increasing care the duties of the officials in the three ancient departments. The union of so many States has compelled this change, and it will eventually work out a clearly defined administrative department of government in every State constitution. The compulsory change is due, more than to any other cause, to the confusing increase of State laws, of State court decisions, and confusion of methods of execution of the laws.

The popular feeling has long been expressed in such sayings as "We want better execution of the laws, not more laws;" "We want honest and capable administration of government irrespective of party." I think that the four new constitutions, if examined critically in comparison with the earlier constitutions of which they are the historical outgrowth, will stand forth on the witness-stand of the high court of our constitutional history and give evidence to the effort of the four conventions to express the demand of the American people for a closer definition of the administrative element in government.

In attempting to define this fourth department clearly or



loosely, the framers of these four constitutions have gone to great length of clauses and words. These instruments are exceedingly long. They approach a code of laws, rather than a *résumé* of governmental principles. They will prove unwieldy in practical administration, because they attempt to prepare the State for a great number of detailed labors. The framers seem to have thought that the governments would at best be intrusted to untrustworthy officials, and that it was wise, if not necessary, to set forth the details of State government even to the definition of such terms as monopolies and railroads. This phase of the constitutions is not beyond explanation. The last word has not been said on government, and until it is said there will be much of verbiage in constitutions. A constitution aims to be a chart, based upon a large amount of experience in the conduct of government. But a constitution is not intended to teach a system of legislation, or to discuss passing problems in transportation. If any person will read the first constitutions of the States he will discover that the details of religious and property qualifications found in them—the definitions of religion and the detailed references to incidents peculiar to the period when these constitutions were formed—soon passed out of these constitutions; they are of historical interest, but they were not an essential part of a State constitution. So in the future, and in the near future, will drop out of these new constitutions the detailed and special definitions which can be traced plainly to the feelings of members of the conventions against railroads, monopolies, and trusts. The economic aspects of these constitutions finds here a point of view, but the point of view will, in the end, prove historical.

The modifications of the jury system, the permit in the constitution for the abolition of such offices in the State as that of lieutenant-governor, auditor, and commissioner of public lands; the peculiar attitude of the conventions toward the judiciary, in suggesting the discredit into which

our State judiciary has fallen, and the evident effort of the conventions to reduce law to a so-called common-sense system by the abolition of technicalities and the possible elevation of "farmer lawyers" to the bench; the curious provision in North Dakota by which a popular vote may change the jurisdiction of the county court; the freedom of choice in organizing local government; the democracy which may rule in determining a city's charter in Washington; the anxious effort of the conventions to limit the indebtedness of the States and to prevent a waste of public funds in the future, are special features each of which has its history in a long series of abuses in the Eastern States. As is characteristic of every convention of men assembled for whatever purpose, their finished labors always illustrate some specific effort to correct some particular abuse with which some of the members were familiar or from which they had suffered. It must always follow in a representative democracy that such detailed masses of reform will appear in the grand result. I need only cite the long and bitter debate in the convention of 1787 over that clause in the national Constitution which allows Congress to levy taxes on imported slaves; or on the power of Congress to lay import duties. Subsequent events clearly showed that the right of taxation on imports as a right to levy a tax never troubled the country: the disputes arose on how to levy the tax and on what to impose it. The whole clause turned for definition on the administration of the government. Whatever party was in power, it took advantage of the clause; the manner of laying hold of it became a plank in party platforms.

So in the administration of these new constitutions: much that gave the conventions great anxiety will become problems of administration. The constitution will take meaning from such administration, not from any set of principles which the convention sought to lay down in the legislative department of their new State government. In this connection lies the pertinency of the remarks of Judge

Cooley before the Bismarck Convention, on the 17th of July: "In your constitution-making remember that times change, that men change, that new things are invented, new devices, new schemes, new plans, new uses of corporate power. And that thing is going to go on hereafter for all time, and if that period should ever come which we speak of as the millennium, I still expect that the same thing will continue to go on there, and even in the millennium people will be studying ways whereby by means of corporate power they can circumvent their neighbors. Don't, in your constitution-making, legislate too much. In your constitution you are tying the hands of the people. Don't do that to any such extent as to prevent the legislature hereafter from meeting all evils that may be within the reach of proper legislation. Leave something for them. Take care to put proper restrictions upon them, but at the same time leave what properly belongs to the field of legislation, to the legislature of the future. You have got to trust somebody in the future, and it is right and proper that each department of government should be trusted to perform its legitimate function."

The influence of early education on the members of the conventions is apparent in their work. The extreme democracy, I might say, which characterizes these constitutions on the whole, reflects the effort of the conventions to escape some of the evils which hang about all State governments, the principal one of which is the taking of government on trust. The conventions evidently wished to say the last word, and to compel so far as they could the course of future affairs in their States. But in this effort they undertook questionable labors, and the history of these subsequent events will doubtless be a history of events now undreamed of by the men who framed these constitutions. No evidence is stronger in this country of the suspicion that State officials cannot be trusted than is afforded by these four constitutions. From this prevailing sentiment there will be a counter-revolution. It will come

through politics, not through formally elected constitutional conventions. The people will ultimately insist upon capable administrations of public affairs, irrespective of the verbiage of State constitutions. It is impossible that in a country possessing so much practical skill and common sense the essential function of administration will long remain indistinct. It is in the clear understanding of how to run a government that the safety of a government depends. Without doubt the typical constitution has been nearly three-quarters made, but the finishing-stroke in the theory of its construction is now being given. Every effort toward a definition of governmental administration aids in the stroke, and these four conventions have greatly aided. To criticise the work of these earnest men is easier than to appreciate the significance of their work. To appreciate their labor requires not only a knowledge of the problems which they had to face, but also a knowledge of the solution of similar problems in the North for nearly two centuries. Economic conditions regulate the making of a State constitution whether or not the members of the constitutional convention ever heard of Adam Smith or of Mill. From the *personnel* of these conventions we are able to conclude that they represented many communities. The framers of the constitutions were more than average men. They were mostly young men who had not experienced constitutional evils in other States, but they were men who had examined, however cursorily, the provisions of other constitutions. But after considering all these sources of their knowledge, one is compelled to admit that the constitutions, in their elaborate details, reflect local rather than general interests. Every first State constitution contains these local *indicia*: it is only after long State experience that such particulars disappear. When these four States frame their next constitutions there will doubtless appear local interests amidst provisions of a general character, but the proportion will be less than in the present constitutions. The practical administration of these new gov-

ernments will compel the correction of faults. But most significant in the constitutions themselves is the recognition, expressed or implied, of the fourth department of representative government, the department of administration. This recognition is in keeping with the entire political tendency of American constitution-making during the present century. Our fathers settled or tried to settle on what principles government should be founded: we are settling or trying to settle on what principles government shall be administered.

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## ECONOMICS IN ITALY.

Economics, as they have developed in civilized countries, during the period of their existence, are represented—and it is a well-known fact—by four distinct schools, two of them being, to my mind, essentially vicious, the other two simply incomplete. There are the socialistic school and the optimistic school; schools eminently partisan, inspired not by a dispassionate search for truth, but rather by the pecuniary interests of one or of another social class; schools, whose leaders, or better, whose adherents do not hesitate to maintain a falsehood, if it more surely lead to **that** practical result at which they aim. There are, besides, the classical school and the historical school, both inspired by a conscientious search for truth, having no other fault than that of working separately and almost opposedly, instead of harmoniously joining in those synthetic principles which shall draw from the history of economic facts the general law which governs the growth of their diverse manifestations.

Now, if we examine the development of economics in Italy from the middle of the century to the present time, we shall find that of the four schools already cited, one, the socialistic school, has never had among us a notable or even a mediocre representative. And, indeed, whether it be that our industrial growth, which is even now limited, has prevented the gathering of those great manufacturing masses which become the hot-bed of socialistic ideas; whether it be that the gentle Italian genius is opposed to thoughts of devastation and of death, too often the horrible corollary to socialism; whether it be that the prevalence and the pressure of political struggles make us indifferent to economic struggles—certain it is that socialistic theories have not had in Italy a single conspicuous



expounder. And not only have we no original representative of socialistic doctrines, but the theories of French socialism, as well as those more recently advanced in Germany, while they have won many readers among us, have made no prominent converts. Only recently an eminent Sicilian writer, celebrated for his profound knowledge and for his masterly skill in dealing with criminal sociology, has taken a position hostile to the economic conditions of to-day. Nevertheless, I should hesitate to consider Colajanni an upholder of socialism, for he does not treat the question of the basis of property, or of value or of profit, but limits himself to subjecting the present economic situation to criticism, sharp and true, indeed, in many cases, and to predicting the advent of a higher social phase. If this can be called socialism, I myself do not hesitate to take my stand in its ranks, because in all my writings—yes, and in almost every line of them—I have always been inspired by the most open hostility to a social situation so dishonored by injustice as is this with which we have to do, and I have had the firmest hope that humanity, weary of usurpations and of struggles, must be brought by the law of gradual development to a more peaceful and a brighter destiny. But, while I openly make this statement, and while I recognize the furtive character of capital proprietorship, I declare myself out of sympathy with the practical, the sanguinary side of socialism, and with the bloody seditions which it would substitute for the great, silent work of gradual evolution, in order to place society in a new and less barbarous position. Now, thus reduced to its true proportions, it seems to me that the criticism of existing economic relations cannot by any means be confounded with those socialistic theories which find so many acolytes in other countries, and which throw so many burdens upon the police force of Europe and America. This criticism is, to my mind, exclusively scientific; it does not invoke the applause of the laboring classes, nor does it seek to rouse them against property; but it seeks simply to discover the law which, independent of the wishes of man, determines the course of humanity. It is, in reality, a natural outgrowth of the classical school,



itself so critical and so pitiless toward the economic relations of capital, and a happy fusion of the findings of that school with those of the more recent historical school. It marks, in short, not a memorial of any party whatsoever, but the peaceful victory of impersonal investigation over the researches of the schools.

The absence of exposition of socialistic problems in the literature of Italian economics ought to assure the impartiality of official economists ; for they might have devoted themselves to a severe criticism of existing economic relations, with no fear that advantage would be immediately taken of their teachings—what has often come to pass in other countries—to rouse the masses against the dominant class. Unfortunately, this was not the case ; and the Italian economists, far from making use of the privileged position in which they found themselves to disclose the ill condition by which society was bound, and thereupon to trace the cause, made use of it to lull to sleep their speculations in the calm of optimism. Who shall say ? Perhaps a glorious sun, a heaven of enravishing blue, a gentleness of climate, and a smiling nature in a southern land, by fate's decree threw their rose-hued lenses between Italians and their science, and hid from them that disenchanting and inexorable film which the leaden sky beyond the Alps seems so naturally to interpose. Be that as it may, it is certain that economics in Italy appeared under optimistic auspices, and that that character, preserved for a long period, cannot be said to have departed even now from our literature. And this it is which I hope that these pages will show.

Economics in Italy, in their modern and scientific character, date from Francesco Ferrara, a Sicilian by birth, professor at the University of Turin, later a member of the Chamber of Deputies and Minister of Finance, and without doubt, the greatest genius of which the economic science of our country boasts. Ferrara is the author of no complete work but he has set forth his doctrines not only in able lectures, but also in a series of Introductions appearing in various volumes of the "*Biblioteca dell' Economista*", of which he was for a long

time editor, and which furnished translations of the most important foreign works on economics and finance. These Introductions, which fascinate the reader with all the charms which a brilliant style, varied knowledge, admirably elaborated, powerful thought, and polished expression can bestow, contain, besides a series of critical, biographical and bibliographical notes, most worthy of consideration, an exposition of Ferrara's theories, which form a symmetrical, and for the most part an harmonious whole. His system is grounded upon the theory of value, which, he declares, is the fundamental idea of economic science; and he develops it with great originality, not, however, without adopting much from Carey. With him, Ferrara opposes Ricardo's theory of value, as well as that held by Say, and takes refuge in the formula of the *cost of reproduction*, which he develops and illustrates with much ability. This favorite theory, which our economist advances at every step, seems to him to be the only one which can unite all economic phenomena under a single formula, since it accounts not only for (1) the value of those products which can be increased unlimitedly, but also for (2) the value of those products which are increased with ever greater difficulty, and even for (3) the value of those products which are absolutely limited in quantity. Nevertheless, in order to bring the last-mentioned class under his formula, Ferrara is forced to make a subtle distinction between physical reproduction, and economic reproduction, and he holds that the value of products of the third class is determined, not by the cost of their physical reproduction, which is impossible, but by the cost of those products which would be purchased, if the former could not be bought. For example, the value of one of Raphael's pictures is regulated by the cost of what the purchaser would select were he forced to do without the painting. In this manner, Ferrara believes that he has brought the various kinds of value under a single new law, thereby making advance upon Ricardo's theory, which covers, with two different laws, cases of competition and of monopoly. The answer is—and already the reader will have made it for him—

self—that the very conditions of competition and of monopoly are radically different, because in the first instance the producer cannot ask more than the article has cost him, while in the second case he can set his own price, and hence that the idea of uniting these diverse phenomena under a common law, is not tenable. And it may be added that sure proof of the dissimilarity of the two phenomena is to be found in the subtlety with which Ferrara seeks to reduce it; for his theory of the cost of reproduction applied to products which are absolutely limited in quantity, is only the old theory of supply and demand, which holds that the value of products rises to that point beyond which the consumer makes no further demand. But on this and on other criticisms with which the later Italian economic school did not fail to attack Ferrara, we cannot dwell, for the further development of the master's theories claims our attention.

The theory of the cost of reproduction is not only, to the mind of Ferrara, to unify the law of the value of products, but also to throw light upon all the relations of the distribution of wealth, and bring them to a single standard. Hence, says Ferrara: rent, profits, wages are but so many operations of the law of the cost of reproduction. It is especially upon the first of these three forms of revenue that English science has put its indelible stamp of usurpation, and it is especially to rent, that Ferrara directs his studies, and, firm in his theory of value, he sets himself to overturn the teaching of Ricardo, and to establish rent as the natural and legitimate recompense of capital and of labor. Here, too, the greatest American economist is the master of the greatest Italian economist, and if he does not at once admit with Carey, that cultivation proceeds from sterile to fertile lands, nevertheless he admits that economic progress renders newly cultivated lands the more productive, and hence an advantage is given to those lands, and the proprietor reaps an increase of income justly due to the better methods originated and employed by him. Thus rent stands as the result, not of an increasing cost of production, but rather of a decreasing cost of reproduction,

and bears no trace of usurpation or of injustice. Ferrara goes so far as to claim that rent, where it is not the reward of improved methods employed by the proprietor, is always there-compense of an *immaterial labor*, such *e. g.*, as the signing of a lease in a gilded drawing-room (*La firma di un contratto d'affitto in un dorato salone. Optimum mellifluis modulare carmina nervis!*)

This significant theory of the cost of reproduction explains, or pretends to explain, the whole problem of economics. And the reader has anticipated me in making the supposition that, in Ferrara's system, profit is determined by the cost of reproduction of capital, wages by the cost of reproduction of labor; which, in its ultimate analysis, amounts to saying that profit is determined by the supply and demand of capital, wages by the supply and demand of labor. Finally, even with the question of finance, this theory concerns itself, and taxes are fixed by the cost of reproduction of government service, as import duties must be adjusted to the limit marked by the cost of reproduction of the smuggler, etc., etc. The advancement of such ingenious relations cannot fail to recall the sentence, *Multa renascentur quæ jam cecidere*. For, are not these attempts at unification, which, in their form already indicated, have been so long forgotten, revived, perhaps to-day in the theories of the Austrian school? The *passe partout* which Ferrara found, or thought that he had found, in the cost of reproduction, the new school finds again in the law of *final degree of utility*, which explains the most diverse phenomena, value, money, profit, wages, rent, taxes, public loans, insurance; it explains them, or rather it cloaks them with the same garment. But every attempt whatsoever at unification, to my mind, does injustice to the essential difference between the phenomena; for *e. g.*, not only the phenomena of competition and of monopoly are not to be brought under one law, but the phenomena of circulation, or the relations among capitalists, are essentially different from the phenomena of distribution, where those who are free to act, the capitalists, are set over against those who are not free to act, the laborers. The

former relations are marked by equality, the latter by the greatest oppression, the most absolute tyranny. While unification, which tends to exhibit the relations of oppression under the semblance of equality, undoubtedly works to the advantage of the optimistic school, and that school develops it with that secret intent ; it does not work to the advantage of the cause of science, befogged and dragged beyond the orbit of reality by its fallacious reasonings. Nor less serious is the mischief which this course of reasoning does to financial problems ; for the effects which the same oppression and inequality bring into the constitution of finance, are falsified and concealed by a theory which holds that citizens possessing unequal wealth find themselves treated equally in their relations with the State, and bear in her deliberations an equal influence.

It is by no means any intention of mine to combat Ferrara's theories, abandoned to-day as they are by even the most impatient free-traders. I will say only this, that contradictions multiply in a theory, which on the one hand denies the existence of rent, and defies the theory of Ricardo, and on the other hand recognizes and magnifies the importance of Malthus's Law of Population, while yet graver contradictions are found in confronting Ferrara's theories with the record of his political life, for *e. g.*, this economist, who had so long contended against indirect taxation, and, above all, against corn-laws, had no sooner become Minister, than he favored the odious grist tax (*macinato*). These considerations, by which it is unnecessary that the reader be delayed at this time, I willingly pass over, adding only this statement that Ferrara's theories soon became those of all the Italian economists, that they were accepted even by Minghetti, and reproduced in one of his celebrated works, and that Ferrara occupied for a long time a solitary and colossal position in the economic literature of our nation. But this eminent position, built upon the marvelous talent of the writer, and not on the truth of his dogmas, this glory that was laid in sophism, ought not, could not endure, and Italian thought had but succeeded in releasing itself from the influence of the illustrious theorist, when

the scientific system which he had created was seen in its true character, nor had it another follower.

At the most brilliant point reached by Ferrara's school, certain noteworthy economists had already shown that they would not be held by his partisan theories, and on their part, instead of repeating the eulogies that the master had pronounced upon the economic system, they preferred to make a dispassionate study of economic laws. Among the economists least affected by Ferrara, I should place Antonio Scialoja, had not the cares of State too early put an end to his scientific work. But among them must surely be numbered Gerolamo Boccardo, who in his treatise on Political Economy, which has still a charm for the Italian youth, defends the true theories of Ricardo, divesting them of the rigid and heavy form in which they have been presented by the English economist. It was, however, especially in the field of technical research, that Ferrara's school suffered its first defeat; for this school, besides bringing a partisan criterion to the study of social facts, dared to introduce party considerations into the non-partisan problems of circulation, of finance, and of statistics. So that it is most natural that the excessive exaggerations of the optimistic school should be the first attacked by criticism, and that the first indication of a scientific theory of economics should appear in the treatment of those questions in which a partisan spirit is most unsuitable and disastrous. Among the leaders of these investigations may be mentioned Baer (*Wealth and Taxes—L' Avere e l' Imposta*) and Pescatore (*The Logic of Taxes—La Logica delle Imposte*), both of whom gave much impartial study to financial relations. But the real author of the reaction against the theory dominant at that period is undoubtedly Angelo Messedaglia—a mighty genius, technical rather than philosophical, analytical rather than synthetic, a powerful and acute investigator of the laws of statistics, and a distinguished student of physical and mathematical science. Messedaglia was less than all others drawn to researches into the most burning problems of economics and more than all others inclined to studies, which in that they



were more minute and demonstrative insured a greater impartiality. He instituted a series of investigations in reference to population, public loans, money, land tax, not proposing to effect the triumph of any one school, but to lay bare the intimate relations of economic phenomena, and to establish their various manifestations. In these researches, which resulted in many very valuable monographs, every phenomenon is studied with mathematical exactness, every relation carefully examined and subjected to the most minute analysis; the opinions of writers are scrupulously interrogated and duly criticised; the various elements of a fact are placed side by side and wisely compared; everything, in short, which analysis apart from synthesis can give, is to be found in these admirable writings, which for their exactness, sobriety and conscientious investigation, furnish that which is best in our economic literature. In the works of Messedaglia are to be found all the excellencies which are lacking in the writings of Ferrara, as, on the other hand, it is just to recognize that no trace of the excellencies which belong to Ferrara appears in his successor. Indeed, you will look in vain in the writings of Messedaglia for a directive idea, which shall search the immense scientific mass and quicken it, and in vain, too, will you look for a single thought to throw light for you on the economic system under which we live, on its origin, on its destiny; while the cold and almost inanimate pages of the Veronese economist, the irregular and unsymmetrical movement of his writings, and the lack of sequence which often appears, contrast strongly with the brilliant style, the forcible and vivid phrases, the wonderful connection of ideas, and of parts, which are so characteristic of the distinguished Sicilian. And Messedaglia does himself no little harm by the excessive eclecticism, notable not only in his doctrines, but in his methods, which swing continually from deduction to induction; for the latter mode of reasoning is not limited by the author to a final regulator, to a test of theories deductively discovered but it is permitted to check the very process of deduction, which is then turned from the free course of pure logic, and held by the facts

that crowd about its path. Hence these two methods bring no help, the one to the other, but become entangled, and, like all else hybrid, lessen the fruitfulness of investigation, and the author, too positive in the theoretical portions of his writings, and too theoretical in the practical portions of them, does not always reach that profundity and those important results to which his great genius might have led him.

Naturally, however, the points which I have noted do not subtract from the considerable value of Messedaglia's writings, which present new and characteristic elaborations of economic questions. In his essay on population, which is, unfortunately, unfinished, and which does not go behind the abatis of Malthus's views, Messedaglia has introduced a noteworthy correction; for he justly observes that the two progressions of subsistence and of population cannot advance separately and independently, but that, on the contrary, the latter is rigidly limited and held in check by the former, and that it is precisely for this reason that there are to be obtained different results from those set forth by Malthus. For, given the progression of subsistence 2, 3, 4, 5 ———, and the progression of population 2, 4, 8 ———, it is evident that the second term of the second series is speedily reduced to 3 by the corresponding limit of subsistence, which is unable to support the excess; whence the doubling of the population must be based on the term 3, and in the succeeding period cannot pass beyond 6. Now, this term, confronted with a subsistence of 4, becomes reduced to 4, and doubling itself brings the population in the following period to 8; wherefore the real progression of population is not, as Malthus thinks, 2, 4, 8, 16, 32, ———, but 2, 4, 6, 8, 10, ———. In other words, the progression of population is not a geometrical progression, but an arithmetical progression, its common difference being double that of the progression of subsistence. This observation of Messedaglia's is highly important, as are also most important the studies which he has made in reference to the statistics of population, indicating in his valuable work on "Average Life" (*Vita Media*), a work beyond the scope of our present article,



the methods of their determination. Most excellent, also, is his study of public loans, in which he examines carefully the various questions of their emission, conversion and redemption; and of no less importance is his recent work on money, in which he deals most ably with the history and statistics of the precious metals, with the question of legal tender, with the corruption of money in the Middle Ages, and discusses fractional currency, monometallism and bimetallism, the history of prices, etc. This latter work, however, bears evidence, greater perhaps than do all the others, of that oscillation between deduction and induction, to which already allusion has been made; for long technical disquisitions, detailed inquiries into the state of monetization in various countries, a constant return to the struggles of types and to a multitude of other practical problems, preoccupy the author's mind and lead him away from much more important questions, such as the value of money, the distribution of the precious metals among the nations, hoards and their functions, the influence of credit on prices, etc. Finally, in his important parliamentary report on the equalization of the land tax, Messedaglia studies the history of the cadastre from the earliest times to our own day; he studies the constitution of the land-tax in the most diverse regions; and, with remarkable acuteness, he discusses its nature and character; he gives, in short, a splendid monograph, that might be called perfect, if here, too, his deductions were not sometimes restrained by excessive reserve and circumspection. A point in proof is the argument which Messedaglia uses against the consolidation of the land-tax. Though he agrees to the consolidation of rent with the price of land, he declares that the consolidation of the land-tax, while reasonable in theory, cannot be put into practice; for to other reasons he adds the following: that in the consolidation of an increasing tax with a decreasing price of land an estate may become less productive, and be the cause of loss to the proprietor. Now, it is easy to see that this argument has nothing to do with the consolidation of the tax, and does no more than indicate the existence

of causes which affect the productiveness of the land, and which, notwithstanding the consolidation or the equalization of the tax, make necessary periodical censal revisions, that thus there may be a correction of the inequalities in the condition of proprietors, inequalities which are independent of the differences in taxation. But, I repeat, these criticisms and others which could be made of the works of Messedaglia do not lessen the high admiration in which I hold the illustrious economist, nor that in which he is held by the youthful band who gather reverently around the great master, Messedaglia stands as the greatest economist of New Italy, and he leaves upon the history of our national thought an impress which time and its progress will not be able to efface.

The strictly scientific method which Messedaglia applied to subjects purely technical and foreign to social problems was afterwards applied by other reputable economists to the more vital questions of the distribution of wealth. Among these writers especial mention must be made of Emilio Nazzani, who, while the official school was still striving to throw a veil over the most grievous phenomena of our economic system and to deny the unrighteousness of the modern distribution of wealth, courageously studied the laws of rent, of profit and of wages, developing, amplifying and correcting Ricardo's theories. For this and for other reasons the appearance of Nazzani in the scientific arena must be considered as indicating the commencement of a new era for Italian economics; for with him they were to rid themselves of optimistic falsifications and inaugurate a rigorous and bold criticism of the relations of production. It is not to be said that either Nazzani or the other economists of that school carried to its utmost limit the criticism of our economic system; on the contrary, it is to be noted that they were possessed of such timidity that they were prevented from attaining the largest results from a criticism which had been so powerfully initiated. In the question of the redistribution of wealth, *e. g.* in his theory of rent, Nazzani seeks to temper the pessimistic character of Ricardo's theories, and in problems relating more properly to the distribution of

wealth, *e. g.* in his theory of profit, he repeats the old optimistic theory of Senior, based on abstinence, while he opposes every attack on capital. But there still remain the importance and the critical character of Nazzani's work, which has overturned the sophisms of apologetic science in Italy, and has laid the foundations of social criticism, opening the way for the present generation to bring the criticism to its completion.

The glory of this scientific revolution, which has re-established the better fortune of economics in Italy, belongs with Nazzani to Luigi Cossa, Fedele Lampertico and Luigi Luzzatti. The first has spread and defended among us the doctrines of the English school, harmonizing them with the most noteworthy conclusions reached by German thought (disseminated in Italy also by Cusumano) together with the doctrines of the French, Spanish and Dutch schools, for in their doctrines he is remarkably well versed; and he has given to economic science a valuable and original essay on the limits of production. The second has reproduced in an ample treatise, the English and German theories. The third, finally, has combatted with great eloquence the principle of *laissez-faire* and in his writings and parliamentary speeches, he has valiantly defended and wisely and practically applied social legislation.

While these writers were thus engaged in upbuilding economic science in Italy, others were solidifying it by an able application of the historical and statistical method. Cognetti studied the primitive forms of economic progress and the origin of socialism, recording the results of his labors in several books that bear evidence to his perspicacity and knowledge; Toniolo made a study of the factors of the economic power of Florence in the Middle Ages; Vanni used the positive method in dealing with the theory of population; Manara and Masè-Dari drew from statistics many data that bear upon the question of rent; Rabbeno, in several essays bristling with facts and ideas, studied co-operation in England and in Italy; Mazzola studied the insurance of operatives in Germany, and its application to Italy was made by C. F. Ferraris. But while

researches were being pushed forward in the urgent field of the distribution of wealth, there kept appearing publications of a more purely technical character on banking, commercial, and financial questions. Among these publications the first place is indisputably occupied by Pantaleoni's "Theory of the Transference of Taxes" (*La Teoria della Traslazione dei Tributi*), the able work of a man of the first rank, in which the complications to which the reactions of taxes give rise are investigated with a marvelous acuteness not equaled in the pages of any other Italian writer. Pantaleoni's book is a brilliant exposition, and in part a skillful correction of the doctrines of the English school, and is in itself sufficient to demonstrate how very considerable is the progress which investigative science has made in our country. Record should be made also of the studies of Magliani on "The Monetary Question" (*La Questione Monetaria*) which set forth a most noteworthy and profound criticism of bimetallism; and of the writings of Ferraris, Stringher, Piperno, G. Luzzatti, De Viti, Benini, all of them in reference to monetary questions, which no less to modern Italian economists than to their predecessors, prove attractive. Notice should be taken, too, of the very admirable work of Supino on "Navigation from the Economic Standpoint" (*Navigazione dal Punto di Vista Economico*), in which the numerous problems relating to freight, to the cost of navigation, to the economics of maritime enterprise, are discussed with remarkable ability. And we must add the writings of Alessio and of Valenti, on value; of A. Rossi and of Benini, both of them protectionists, on the balance of trade; of de Jehannis, of Dalla Volta and of Martello, all free traders, on value, socialism and banks; of Zorli, of Alessio, and of Tuviani on questions of finance; of E. Cossa and Sartori, on agrarian economics, which, in various aspects, merit honorable mention. Nor have we completed the list of writings which are not immediately connected with the most urgent themes of economics, without including the series of works on the early Italian economists, which a band of strong thinkers (Cusmano, Ricca-Salerno, Gobbi, Supino, Conigliani, Grazi-

ani, Balletti, Fornari, Sinigaglia, Errera), are engaged in publishing under Cossa's direction.

The great triumphs, which in later years have attended the rise and development of the so-called Austrian school, could but exercise their magic influence on the Italian mind, already—to speak truthfully—too easily disposed to follow the progress of Ultramontane thought. It is, therefore, no matter of wonder that numerous writings appear, which reproduce, comment on and illustrate the theories of Jevons, of Menger, of Boehm-Bawerk, of Sax and of Wieser. The theories on value held by this school are accepted by Graziani in his excellent critical "History of the Theory of Value in Italy" (*Storia Critica del la Teoria del Valore in Italia*), and in part by Pantaleoni, in his valuable "Manual of Economics" (*Manuale di Economia*), and by Alessio, in his work already mentioned; while the theories of Sax on finance, carefully reproduced by Ricca-Salerno in his learned "Manual of Finance" (*Manuale di Finanza*), are accepted with slight modification by Conigliani in his able "Theory of the Incidence of Taxes" (*Teoria dell' Incidenza dell' Imposta*); and Mazzola (Scientific Data of Public Finance—*Dati Scientifici del la Finanza Publica*), who apparently assumes a position hostile to Sax, but in reality reproduces with some inconsiderable correction the fundamental doctrines of the latter. With this enthusiasm the less serious, because the more unpremeditated, I, for my part, do not sympathize, and though I hold in high esteem the ability of the Austrian economists, I am forced to consider their scientific expositions as a deviation and a retrogression, a deviation from the rigid and exact researches of the classical school, and a retrogression toward the unfruitful theories of the optimistic school. I am firmly convinced that the reaction recently initiated against that school by Bonar in England, by Dietzel in Germany, and by Macvane in America, must result in a large triumph, and that that school must in the gradual advance of economic thought represent only a period of repose, during which economists pause for a time before passing from the theory of *redistribution*, which made the glory of the sci-

ence of the past, to the theory of *distribution*, which is to make the glory of the science of the future.

Finally, it should be added that economic studies have received in Italy a most generous impulse from the "*Giornale degli Economisti*," a most excellent review, edited by a corps of able writers, and assisted by eminent contributors, all of them of anti-protectionist tendencies.

The development of contemporaneous economics in Italy presents first a period of the absolute domination of Franco-American optimistic theories under the intellectual dictatorship of Ferrara, followed by a period of direct and wise restoration of the theories of the English school under the influence of Messedaglia, Cossa and Nazzari, with certain deviations in historical researches and certain applications of social politics, due in great part to the influence of social legislation in Germany. But if such indeed is the *external* history of Italian economics, we may now push investigation to a farther limit, and ask what is the *internal* history of economic science in Italy, what is, in other words, the intimate cause which has determined its advance and its successive transformations. In order to understand its advance, it is obvious that we must consider the gradual growth of economic relations, of which scientific growth is but the ideal reflection; so that we are led to glance rapidly at the economic evolution of the Peninsula.

All students know that the feudal system did not have in Italy that long and brilliant existence which it had in the other countries of Europe, and that the power of our republican cities soon brought about the ruin of the lords of the manor. The destruction of the feudal system, which occurred throughout Italy during the thirteenth and fourteenth centuries, brought with it the disappearance of serfdom, whence the very foundations of profit were threatened, for they were laid on serfdom. But in the very moment in which the mediæval basis of profit was destroyed, a basis wholly modern and most stable was adroitly substituted, by systematically withdrawing all landed estate from the liberated serfs. Italy understood sooner and better than any other nation that modern



profit is grounded on the privation of landed estate, which is experienced by the greater part of the nation, in other words, on the expropriation of the laborer; and instead of securing this end by those violent means which are a dishonor to the history of other European countries, the result was quietly gained by a most simple and obvious method, viz: by granting the serf his freedom on the condition that he cede the land held by him as proprietor. By this means the Italian serf became converted at once into a wage-earner, for, seeing that he was cut off from the land, he found himself forced to sell his labor to the capitalist for so much as the latter pleased to give him.\* When first the capitalist became the potent factor in Italian economics, the circumstances of the laborers were fairly satisfactory, and the little savings that had been accumulating during the period of their servitude, permitted them to make better conditions with the proprietor, and, indeed, to have a part in his profits. Such, at least, was the state of things that obtained in agricultural economics, where the metayer system (*Mezzeria*) became the most general form of production. But this form of production, crippling the gains of the capitalist, checked the accumulation of capital and its concentration, so that it made impossible the rise of large manufacturing interests, while it assured the persistence and vigor of independent artisans. Hence the principal features of social economics in Italy were summed up for a long period in the decentralization of capital, in the metayer system and in small industries; they presented a rachitic form of capitalism, which was characterized neither by the brilliancy nor by the tremendous losses in which the social economics of England, of France, and of Germany became involved.

Now this network of economic relations created a scientific literature, which was its natural reflection. Indeed, a profound and scientific theory of the distribution of wealth could not, as may be readily understood, be formulated in a country where the phenomena of distribution bore no sharp nor decisive character, and where there was no opportunity for the rise of

*Cfr. my Analysis della Proprietà Capitalista, Turin 1889, II. 45°.*



the strident conflicts to which the most developed economics of capital give rise. Wherefore all that has been written by the Italian economists of past centuries concerning the distribution of wealth is of not great value, and the eloquent controversies over the poverty of the peasants and of the laboring classes do not pass beyond the restrictive limits of sentimental literature. The Italian student, excluded by reason of the imperfections of the existing economic situation from the possibility of studying fundamental social relations, turned himself zealously to investigate the more superficial economic conditions, the development of which, being independent of that of more profound economic relations, had had opportunity to exhibit itself even among us. Whence those numerous writings on money, which make the better portion of our economic literature ; and those numerous publications on commerce, on usury and on taxes, which treat of economics in their exterior and better defined manifestations, while the investigations on value, which rapidly followed one another in that epoch, are limited to a more or less careful analysis of necessities, of utility, of competition, or of monopoly ; but they do not show even the influences by which the phenomenon of value becomes involved in the most profound relations of capital and of profit, and in the technical organization of production. Certain it is that the nearer we approach the present day, the easier it is to detect among Italian economists some evidence of a serious analysis of the economic structure of society ; there are already some traces of it in the interesting works of Ortes, and in the scholarly writings of Galiani, Beccaria, Verri, Genovesi, Pagnini, etc. But in these writers, as indeed in others of that period, one looks in vain for that exact appreciation of economics, which is apparent in the works of the English writers who were their contemporaries.

With the opening of the nineteenth century, capital in Italy took on a more vigorous development and a power which it had not known before ; and even if, especially in the south, its growth was yet arrested by certain feudal entanglements, it kept everywhere creating those conflicts and those interesting

relations, too, which are so generally characteristic of modern economics. It seemed, therefore, that those causes, which from the outset had wrecked economic doctrines, had disappeared and that the scientific era of economics might open for Italy. But at this moment a graver matter occupied the heart of the Peninsula and united Italians in a supreme desire for national unification. And even if this desire resulted from economic causes—for it was capital that sought unification that it might develop itself more freely—the irruption and the urgency of the struggle, the greatness of the danger, the insurrections, the misery, the martyrdoms which preceded and accompanied the uprising, fatally distracted the mind from the arid study of social inequalities; for then they seemed forgotten in the sympathy of united feeling, which the battle ground created between the rich man and the poor man, and in that strong alliance which drew together the sons of the Italian soil against the foreign oppressor. It is not, then, to be wondered at, if in such circumstances there did not yet appear an Italian theory of the distribution of wealth, not because the capitalist system was not developed in Italy, but because political conditions concealed its advance and checked its exact study. Nor is it surprising, if those few thinkers who pursued economic inquiries, found themselves powerless to search the depths of economic relations, and were drawn by the inevitable superficiality of their view to optimistic doctrines. Nor, finally, is it singular, if even at this time we do not find in the works of our economists any notable contribution to the theory of the distribution of wealth or to the analysis of property, while there are most significant investigations on the exterior forms of economics, on money, on commerce, and on taxes.

But when, in 1870, the longed-for unification of our country was accomplished, and internal and international political relations were placed on a firm basis, the circumstances which had been opposed to the establishment of economic science in Italy, ceased to exist. At the same time the investigations of students were claimed by those distressing phenomena which are the inevitable issue of the economics of capital. For while our

statistics showed the vicious distribution of wealth, especially of landed estate, the extension of large landed possessions, the increase of leases, the abuses of banks and railroad companies, able writers revealed the miserable case of the laboring classes and the wretched condition of the rural population. Sonnino, Franchetti Villari, Signora White-Mario Lombrose, Stivanello, and Mortara presented the situation of our agricultural classes in a series of admirable and memorable monographs, while the great "Agrarian Inquiry" (*Inchiesta Agraria*) added a large contribution of facts and of considerations pertinent to the question, while its official character strengthened its authority and importance. In the Inquiry, Emilio Morpurgo described in dark but true colors the great misery of the agricultural classes in Venetia, while the reports of Jacini, Angeloni, Branca, Tannari, Damiani showed that Italy had reached an equalization of sorrow, since through the farthest provinces echoed the same wail, the same imprecation. At this time the publications of *Ufficio di Statistica* due to the indefatigable labor of Bodio, placed the condition of the operative class in an unfavorable light, and the reservations and modifications of official comment endeavored in vain to moderate its effects. In the face of so great an outburst of facts, the fair doctrines of Ferrara were suddenly undone and disappeared in the abyss of by-gone theories. A new spirit of research and of criticism revived economic thought from one end of the Peninsula to the other, and a legion of young students, animated by strong faith and ample knowledge, dedicated themselves to researches into social problems, confounding the falling remnant of bourgeois science. And it is due to these champions of thought, that to-day Italy holds in economics a place much superior to that held by France or even by England, and not inferior to that held by the most cultivated and advanced nations.

Now that capital proprietorship is sovereign in our land and has assumed most powerful dimensions, the conditions of Italian economic science do not differ from those of other nations, nor can they attach themselves to any specific phase of national government. Various obstacles, it is true,

rise even now to check our economic growth ; and foremost among them are the paraded contempt which Italian politicians affect towards economic science and their real ignorance of the results which it has reached—an ignorance all the more deplorable because it is in no small part accountable for the chronic disorder of Italian finances. To these must be added the interest which the Italian youth take in other questions, as in criminal science, certainly most important ; as so much less important than economics, as the study of a single diseased member is of less importance than the study of the entire human organism.

The viciousness of the imitation of what is foreign, against which Cicero, long ago, and Genovesi, nearly eighteen centuries later, have counseled Italians, manifests itself undoubtedly even in economic literature, in the eagerness with which our economists welcome every theory that comes from abroad, while very often they pay little heed to the teachings of their fellow countrymen. This is a grave—the gravest—fault of which our economists are guilty, and in no small degree it retards scientific development in Italy. But it is just to add that this fault, too common among the earlier and less intelligent critics, is disappearing from among the later and more scholarly students of science, and that Cognetti, Pantaleoni, Salandra, Rabenno, Manaro and Supino, who stand for the flower of Italian talent, are wholly free from such tendencies. There is no doubt, on the other hand, that the even now imperfect development of manufacturing industry in Italy makes less easy and less successful the analysis of the phenomena of capital, while the disparity between agricultural conditions and the constitution of landed estate in different provinces, render it less easy to discover a general law of agrarian phenomena. But these obstacles, which are yielding little by little, are not, as I believe, an impediment fatal to Italian economics ; for the stationariness of population and the small proprietorships existing in France and the feudal constitution still obtaining in Germany have not prevented among those nations the rise of original and flourishing economic schools ; and on the contrary, I think

that the prevailing agricultural development of our national economics will afford the better opportunity for our scientific thinkers to trace the hidden springs of the economic system and conceive its synthesis. Indeed, the true *raison d'être* of social relations lies in the relations of landed estate; and only to its analysis may we look for a solution of the theoretic problems yet unsolved; and this is a truth which the great English economists have discovered, which some illustrious German economists *e.g.* Thünen, have understood and ably demonstrated; but which contemporaneous economists, turned aside by the appearance of phenomena, persisted in ignoring. Upon the economists of Italy who have already had experience of the scientific impotence of the schools that will not consider the question of landed estate; upon those whose constant object of thought and of study is the constitution of landed proprietorship; upon them it is incumbent to follow in the path so successfully traveled by their great predecessors, and to confront the economic theories beyond the Alps, which are the science of darkness, with an economic theory eminently Italian, which, based on the analysis of landed proprietorship, shall illumine the entire social fabric.

~~Annals of the American Academy.~~

~~University of Chicago.~~

## THE PRESENT CONDITION OF THE PEASANTS IN THE RUSSIAN EMPIRE.

One need not be an aged man to remember the enthusiasm which greeted the emancipation of the Russian serfs in 1861. The emperor, Alexander II, was magnified as the most philanthropic monarch that had ever directed the destinies of a nation. By all intelligent persons it was considered that the emancipation marked the definitive assimilation of Russia with the other countries of Europe.

The gratitude with which his people regarded their sovereign was fully justified, no less than was the admiration which the whole world lavished upon the Emperor of all the Russias. But it is for what he wished to do, and not for what he did, that he must be judged. No one can doubt that his generous soul most truly desired to summon his millions of serfs to liberty, that his noble heart would reign over men who knew no other master than himself, no other rule than the common law.

It is because emancipation has not brought this result that it in no wise merits the enthusiasm which it awakened. Why not make the statement at once? It has been only a delusion. True, the *seigneurs* have been stripped of their authority, but authority has not ceased to lie heavily upon the peasants; it has changed its name, it has become collective; and from the days of Proudhon to the present time all the world has recognized that there is no greater tyranny than that of collectivity.

Now, in formal terms, the edict of 1861 transferred to the *mir* the power which had previously been exercised by the *seigneurs*. This word, and the system for which it stands, are absolutely new to us. What is the *mir*? Put the question to a Russian, and if he answers you, it is very probable that his reply will not give you much information. Nine times in ten he will say, "The *mir*? The *mir* is the commune."

And in all the countries of the world the commune is a certain extent of territory or a given company of persons inhabiting a portion of land. In Russia, of two neighbors one makes part of the mir, the other makes no part of it. It has to do with the peasants, but not with all of them. And by peasant must be understood, not only the inhabitant of the country, but all the lower classes, all that are not bourgeois or noble. Of these peasants, a very small part (11,000,000 in 40,000,000) are really free. These either were enfranchised before the act of emancipation or they have since released themselves from the obligations which that act imposed upon those whom it professed to liberate. The rest, that is to say twenty-nine millions of Christians, are bound by shackles not different from those that slavery forged for them. In order that the freed serfs might have those means of subsistence which the *seigneur* was now no longer bound to furnish them, at the time of the emancipation there was taken from the *seigneur's* domains a portion larger or smaller according to the number of the liberated serfs. This land was not divided among the serfs; it was given to the mir, to an association, to a collectivity formed of the serfs. To them was left the care of dividing it, and of cultivating it as they chose. There was the single restriction that the parts, if a division had been made, should not be permanent, much less hereditary, to the end that always periodical distributions might thereafter allot a tract to new families or to the *nouveaux venus*. The restriction thus imposed upon the mir constrained it simply to imitate what the *seigneur* had done, for apparently he could never dispossess himself of the obligation of apportioning his lands among his peasants.

The lands thus given stood in lieu of those which the landlord had been accustomed to grant in remuneration for labor performed on other lands. To represent this labor, since a liberatory act could not exact labor from those whom it had freed, the communities were compelled to pay the *seigneurs* such an indemnity as was judged an equivalent for the labor they had received. The payment of the indemnity giving rise



to continual conflict, the State reimbursed the landlords, substituted itself for them, and became the sole creditor of the peasants. It was provided that the debt should be paid in seventy-nine annuities, and that the mir, as a solidarity, should be responsible for the payments, as it had been when the expropriated lands had been received. This, then, is the mir: An assemblage of families holding in common a certain quantity of land, bound to pay annually a certain sum of money, and in order to satisfy these obligations, invested with powers equal, if not superior, to those exercised by the *seigneurs*, their predecessors.

We are to study the conditions under which these associations operate, and their effect, not only upon the peasants, but upon the entire Russian organism; and I trust that the American people will take interest in the study, for the great Republic of the New World cannot but take interest in the great Empire of the Old.

## II.

From the point of view of the public wealth the periodic dispossession of the landholder can be but disastrous. With every new partition, occurring as it does about every five years, the peasant finds himself assigned to a new tract. Hence why waste his time and his money in improving it during the period that he holds it? The cultivation in common might have had its advantages, but it requires a social condition far beyond that permitted by the possibilities of the Russian peasant. Without a single exception the land of the mir is divided. A peasant receives by lot a certain number of parcels, almost always separated one from another and always distant from the house which belongs to him in fee. But not only is this land allotted to him in virtue of his right; it represents also the extent of his obligations. Every family receives a number of strips proportional to the number of its active members and in the same proportion must it contribute to the common debt, annual payments, and taxes. In districts in which the land yields a revenue the result is satisfactory;

but in those districts, far more numerous, in which there is no revenue or a revenue which is not sufficient to discharge the debts, the land becomes a burden. At the time of apportionment I have seen the peasants resort to a thousand artifices, and to supplication, too, that less land be given them. One declared that his sick sons could not cultivate the tracts which had been assigned to him; another pleaded advancing age and appealed to the mercy of the apportioners. The chief of the community was inflexible, for the other peasants who stood by would not have tolerated an exemption which resulted in an infraction of their rights. The State, in fact, takes no cognizance of the members of the mir, for it is of the mir itself that it demands the annual payments; hence it is at the expense of all if a peasant would excuse himself from his obligations, and one may understand the rigor which presides at the distribution.

Were not the association endowed with efficient powers, many of its members would release themselves by flight from the duties which the mir creates for them. But the code has made provisions against such a result; in Vol. 9, Art. 703 *et seq.*, thus it regulates the rights and duties of the mir:

"The land shall be divided equitably, the expenses, taxes and annual payments made in solidarity."

The mir has the power of banishment; it may expel by a decision from which there is no appeal, the member who is offensive to it, granting him the privilege of joining a new mir, but not, by Art. 709, an adjoining one. This ostracism becomes, then, a veritable exile. Art. 712 makes the condition of peasant incompatible with every other condition. The intent of this provision is obvious from the following article, which declares that the mir may order the transportation to Siberia of such of its members as it deems suspicious.

We have seen that the possession of land is often a burden. It is, therefore, of the greatest importance to a mir that an idle member shall not take the place of one who is solvent, industrious and sober. Art. 719 prohibits any cession of portions of land.

If you note the title of the following chapter, "The Liberation of the Peasants," you will grant with me that Art. 724, which I am about to cite, is a model of legislative irony.

It is distinctly stated that any debtor peasant may withdraw from the mir when he chooses to do so, but on the following conditions:

1. He shall abandon his portion of land, as is eminently natural.
2. He shall put himself *en règle* as regards his military service.
3. He shall discharge, both he and his family, every debt, whether it be payable to the mir, to the district or to the commune, and pay the taxes levied for that current year.
4. He shall have no process pending against him.
5. He shall have no judgment against him unsatisfied.
6. He shall have the consent of his parents, no matter what age he may have attained.
7. If he leave children, he shall provide for their maintenance.
8. He shall pay all undivided claims (*redevances afférentes*) on the land which he may have received in fee from the *seigneur*.
9. He shall have the acceptance of another mir, *i. e.* he shall declare that he does not become free, that he does no more than change his prison, that he does not cease to be a serf.

In the last paragraph we might find ample proof, were it necessary, to show that the serfage of the peasant has changed only in form. The first eight provisions might be explained under strict construction by fiscal necessities, but here the law says clearly, "Thou art not free, and of thyself thou canst not be." However, this is but a theoretic consideration. How is it possible for a Russian peasant, the most indolent of beings, the most unlettered, the most suspicious of the scribe and of his art, to secure the nine certificates prescribed by this wonderful article?

Since the annual payments are to be made during only seventy-nine years, it would appear that at the expiration of

that time the proprietorship of lands freed of encumbrance would then become personal. If it had been to the interest of the treasury to establish a solidarity wherever it found a guarantee, why continue the solidarity when the debt shall have been cancelled? It is not thus, however, that the code has made provision.

If a peasant with his labor and his earnings pays his portion of the annuity, a thing, however, which he cannot do, except the mir consent, his share of the common land becomes his personal property and he ceases to be held longer by the common obligations, yet he retains his right to vote in the assemblies.

But if the payments have been made by the mir the lands continue to be its own property and are still cultivated by the community. Again, it often happens that it is not possible for the common domain to furnish support for the associated peasants. If the lands lie at a distance from a city, there will be no commerce and no industries to help the peasants to make for themselves additional resources. They are, then, forced to emigrate, to take advantage of the winter season when the cold prevents agricultural labor and find employment in a large city. But they must first obtain leave of absence from their associates, a permission without which the authorities would check their movements, a permission, too, which may at any time be revoked. Note the result. In 1883 M. de Coutouly, Consul of France at St. Petersburg, had an excellent nurse with whom he was well content. Without awaiting for the time for weaning the child, the mir to which the woman belonged ordered her to return at once, allowing it to be understood, however, that the order would be withdrawn in case M. de Coutouly sent two hundred rubles. He objected, took many steps to defend himself against the injustice, and in the end paid the sum demanded. So it is easily imagined what happens when an industrious and intelligent workman comes to receive large wages; he is recalled immediately, nor can he escape complete ruin without permitting a larger or a smaller sum to be extorted from him.

## III.

It is with difficulty than one can believe that this institution has found not only those who defend, but those who applaud it. Yet it is exclaimed: "It is the remedy for social evils!" "The mir makes misery impossible; it checks in its earliest stages the formation of the proletariat. Thanks to it, every laborer, the laborer in the city as well as the laborer in the field, has a roof to shelter him when sickness falls upon him, a parcel of land which will keep him when the years shall have spent his strength. The horrible prospect of death brings no fear to the Russian workman buried in the heart of a great city, away from his parents, away from friends. If he is sick, if old age comes upon him, he sets off for his village and finds there a hearth which is his own, neighbors whose companion he has not ceased to be."

And many another eulogy has been spoken for the mir. The *doctrinaires* themselves have thought they saw in it that primitive form of proprietorship which might become the system of the future. Others, without reflecting that its analogue is to be found in the Kabyle associations, in the Servian communities, in the Slav Zadrouyas, have declared that the mir is a concept of the rulers of 1861 which will suffice for their glory.

Theoretically, a single simple consideration is enough to cause this enthusiasm to subside, for all the advantages which the institution can offer were offered by serfage. Take one by one the eulogies bestowed upon the mir, and they are strictly applicable to the system which preceded it. And it is natural; for the act of emancipation has, I repeat, transferred to the peasant community all the rights and the privileges of the supplanted *seigneurs*. The duties and the rights of the peasants have not, therefore, changed in any wise, they are serfs of the commune instead of being serfs of the landlord—and that is all. It is beyond doubt that from a material point of view serfage had its excellencies, and that the mir has preserved them; but it is needless to prove here that its advantages were far from compensating for its defects, since it was

this very fact which led to the act of emancipation, the true bearing of which we are now studying.

Theoretically, then, the peasant communities cannot escape the condemnation of public sentiment unless they abolish serfage. What shall we say if we examine the practical side?

I ask the reader in his kindness to imagine a Russian village set in a vast plain, touching the rest of the world only when the few Jewish traders come to it to take provisions in exchange for their wares. There each is the serf of all. If a peasant cultivate his field poorly the rest share the loss, hence there is a continual surveillance, and naturally it is routine which gets the advantage of initiative. Thus would it always be, even if the associated peasants were all of them upright—and that is not the case. As soon as a member of the association has succeeded in laying by anything, the others seem to thirst for it—and thirst in the literal sense of the word; for they insist that they will drink with him and he must pay for it. If he refuses, the peasant-mayor will readily find pretexts to lay fines upon him. If he undertake to escape the determination of his extortioners, Art. 713 stares him in the face and deportation is reserved for him.

Such is the actual operation when the peasant remains in the village; if he go to the city, not only will an enormous portion of his wages be snatched from him by his fellow peasants, but he must go alone, without his family; he will be only a sojourner there, as are, for example, the ten thousand cabmen of St. Petersburg. How will he conduct himself? How will his wife conduct herself while he is away from home? In truth, a great disillusion is in store for the observer. The mir does not vary much from the probable prototype of human society. We should be glad to find there in the midst of inevitable defects certain valuable characteristics that by analogy we might suppose had made better the life of our forefathers. In reality there is not a single point in which liberty and the appropriation of land would not be a thousand times rather to be desired. This institution of earlier ages has brought results such as these:



Thirty millions are serfs and are oppressed by bonds stronger than those which the edict of 1861 attempted to break.

All moral or intellectual progress is absolutely impossible in this mass of human beings.

The laborers in a great industry are by law condemned to be nothing more than nomads where they gain their bread, nor can they ever have a permanent home.

Every one of the thirty millions of debtors lives under the surveillance of the *haute police* and is liable to a sentence which the laws of France prescribe for those whom our courts have charged with infamy. Any day he may be called to a distant village, and forced to do work which he has forgotten how to perform. Indeed, he cannot succeed in escaping the call, except by abandoning that portion of his gains which might aid him in securing a means of industry.

Russia is a great country with a great people; but she will remain an alien in Europe until that hour in which her august sovereign of to-day shall realize that truth, the sole conception of which has rendered immortal the memory of his magnanimous father, and shall give to his thirty millions of serfs a liberty that shall no longer be apparent, a liberty that shall be real.

#### IV.

If the counselors by whom Alexander II was surrounded had sought for him glory in succeeding ages rather than the ephemeral applause of his contemporaries, they would have said to him :

"Sire, the generous heart of your majesty wishes to loose from thirty millions of your subjects the chains which bind them from the cradle to the grave and to tear down the barrier that separates them from other men. The time is not yet come. They would not know how to use the liberty, they would abuse it. If your Majesty would not make thirty millions of indigent persons, to another must be delegated the power which is taken from the nobility. We beseech your Majesty not to do this. A new authority,



whatever it be, would have all the severity and all the cruelty which your government has known how to repress while yet the progress of civilization could not check those evils in the *seigneurs*. Besides, this new-created power would receive a sort of consecration from the generous thought which guides your Majesty. We pray you, do not emancipate the serfs, rather make use of a power that continues integral to make them fit to be free, capable of using their liberty. We know that we ask your Majesty to renounce a great glory, the glory of receiving from the whole world the name of *Tsar libérateur*; but we know also that it is not an empty glory that your great heart seeks, but the welfare of your subjects and the greatness of your empire. Hereafter when your successor shall be able to proclaim the act which you will have prepared, which, in reality, you will have completed, History, who never forgets, will go back to the source of this great, grand deed and the descendants of the serfs of to-day will forever bless you for having cherished a veritable emancipation, the breaking of the chains of ignorance, of routine, and of poverty, instead of having deluded their fathers by a change of gaolers."

The emperor, Alexander II, did not free the serfs, but he wished to free them; he thought that he had freed them. The admiration of the world did not, then, deceive itself when it bowed before him. He deserved it the first of March, 1861. Alas! he deserved it still the first of March, 1881, that day in which his generosity made him the victim of the most ignoble of all political parties. He had escaped the first attempts of the assassins, but one of his attendants had been wounded. He imperiously ordered the carriage to be stopped, when it was the rapidity with which it moved that had saved his life; it is at the moment in which he stoops to give assistance to his injured officer that the fatal bomb comes and strikes him to the ground.

And dying thus, for having given to all sovereigns a bright example of compassion, was he not an hundred times the

greater man than if he had died upon the battle field, leading his squadrons? And with an expression of profound respect for his memory it is fitting to close this criticism of his work.

VICOMTE COMBES DE LESTRADE.

*Chateau des Noues, Ouzouer sur Loire, (Loiret.) May 13, 1891.*

## STATISTICAL PUBLICATIONS OF THE UNITED STATES GOVERNMENT.

It is the purpose of this paper to correlate and present various facts concerning the different statistical publications of the Federal Government.\* Too little is known by the public of the great variety of publications of the general Government. The United States supports and maintains a vast printing establishment, from which it issues yearly thousands of volumes on as wide a range of subjects as that of books coming from any private publishing house in the country. It is a mistake to suppose that these publications consist only of routine reports of the various executive offices. The Government is yearly issuing a greater and greater number of publications, whose only *raison d'être* is their value as contributions to human knowledge. Of these last, statistical compilations form an important and valuable class. They can be best considered according to their subject matter.

### *The Federal Censuses :*

The regular decennial censuses taken by the Federal Government form the most extensive and valuable compilation of statistics that exists in the United States, if not in the world. Their well-known character renders unnecessary any extended comments here. Each census prior to the one just taken has shown a tendency to be more elaborate than the one preceding. With this increase in length and scope has certainly come a corresponding increase in the attention paid to the

\*Only the present statistical work of the Federal Government will be considered in this paper. The United States has in the past done some little for statistical science by paying the expenses of delegates to International Statistical Congresses and International Penitentiary Congresses, and in publishing a number of single statistical works. Congress has also encouraged statistical work by the purchase of a considerable number of copies of such works as Seybert's *Statistical Annals* 1818, Pitkin's *Commercial Statistics of the United States* 1818 and Watterson's and Van Zandt's *Statistical Tables* 1820.

requirements for the collection of statistics on a scientific basis. In addition to the final full reports, the Census Bureau issues as soon as possible "Compendiums" which contain tables showing summaries of results, which in many cases serve the same purpose as the more bulky quarto volumes. Results of the census are also announced, as soon as arrived at, through brief bulletins in pamphlet form. A large number of such bulletins for the eleventh census have already appeared.

*Statistics of Commerce:*

All nations have found it advisable to keep as accurate a record as possible of statistics of trade and commerce. For this purpose the United States issues through the Bureau of Statistics of the Treasury Department two series of reports, entitled "Statistics of Commerce and Navigation" and "Internal Commerce." The first includes quarterly and annual reports on the commerce and navigation of the United States, and an annual list of merchant vessels. In addition to these the bureau issues monthly summaries of the imports and exports of the country in order to supply the demands of the public for early and frequent statistics of our foreign trade. That the delay required for compilation and printing may be avoided, the press is supplied with a statement of the total value of monthly imports and exports as soon as obtained from the custom officers. The annual report on commerce and navigation contains statistics of the amount and value of imports and exports in detail by countries and articles; statistics of immigration and emigration; the number and tonnage of vessels entered and cleared, and general information concerning the tonnage of steam and sail vessels, the number of vessels built in this country, etc. The Bureau of Statistics was created in 1866. Volumes on internal commerce have been published since 1876. They are compilations of statistics and general information concerning the internal commerce of the country, railroad and water transportation, etc.

A Bureau of Statistics also exists in the State Department. In August, 1842, Congress directed the Secretary of State to

issue annual reports on our commercial relations with foreign nations. These reports are based mainly on reports of consuls. Prior to 1880 they were issued only in annual "Commercial Relations." Since then they have been issued each month under the title of "Consular Reports." They contain statistics and general information relating to our commerce with foreign nations. Special consular reports are issued from time to time.

*Statistics of Production :*

In addition to the regular decennial censuses of production, the Federal Government collects and publishes through various bureaus statistics of the production of the most important classes of commodities. The Statistician of the Department of Agriculture publishes monthly and annually reports on the production of all agricultural products in this country. His report also includes statistics concerning the course of distribution, the cost of transportation, the rate of consumption, the range of prices, the wages of agricultural laborers, the production of foreign countries, etc. The first appropriation for the collection of agricultural statistics was made March 3, 1839, and amounted to \$1000. Agricultural affairs were then attended to by the Commissioner of Patents. The difficulties inherent in the task of collecting agricultural statistics prevent these reports from being accurate census reports of production. Their past history has, however, shown them to be close approximations to the precise amounts produced, and they are complete enough to perform their function of keeping the farmers and the public informed concerning the condition of agriculture, the movement of prices, etc. These statistics are based mainly on reports of numerous correspondents located in different sections of the country, verified whenever possible by collateral sources of information, as reports of State officers, boards of trade, and other bodies.

In 1883 the United States Geological Survey commenced the issue of annual reports on "The Mineral Resources of the United States." These give complete statistics of the amount

and value of each mineral mined or quarried during the year, and the movement in prices for each, and an estimate of the quantity of each mineral existing in this country. The United States Fish Commission has also published in a less complete way statistics of fishes and fisheries. The Director of the Mint under the Treasury Department issues an annual report on the production and consumption of gold and silver throughout the world.

*Statistics of Education :*

The Bureau of Education, now under the Interior Department, was created in 1867. Its annual reports since then have been largely devoted to educational statistics. They are compiled largely from reports of State and local school officers, and registers and catalogues of scholastic institutions and other printed sources of information. They are very complete, and relate to foreign countries as well as the United States, showing the proportion of children of school age attending school, the number and resources of institutions for higher education, etc., etc.

*Finance Statistics :*

The annual report of the Secretary of the Treasury embraces statistics on a wide range of financial subjects. This report embraces the reports of the various bureau officers under the department. The report of the Treasurer gives the receipts and expenditures of the United States, the condition of various funds and the amount of money in the Treasury.\* The report of the Director of the Mint shows the amount of money coined, the amount of gold and silver exported and imported, the stock of gold in the various countries of Europe, the value of foreign coins, etc. The report of this officer on the production and consumption of gold and silver has already been mentioned. The reports of the Commissioners of Internal Revenue and of Customs give the details of the collection

\*In 1886 the Treasury Department transmitted a valuable report to Congress, giving a statement of expenditures for public buildings, rivers and harbors, ports, arsenals, armories, and other public works since March 4, 1789. Senate Executive Document No. 196. 47th Congress.

of revenue from these sources. The report of the Comptroller of the Currency gives statistics of the number and condition of National Banks, State Banks and Savings Banks in the United States, and the amount of money in circulation. The report for 1873 contained the first general information relating to the condition of banking institutions other than national. Pursuant to an Act of that year, February 19, the Comptroller has since then collected information as far as obtainable, of all banks, State, savings, private, and loan and trust companies. The report of the Register gives the condition of the national debt and the details of the expenditures and receipts of the Government. For most questions concerning the expenditures of the Federal Government, the "Annual Letter" of the Secretary of the Treasury transmitting estimates of expenditures of the Government to Congress is the best source of information. This letter gives in detail the objects for which appropriations are required, the amount of the appropriation asked for the preceding year, the actual amount appropriated, reference to the Act authorizing each appropriation, and the reasons for appropriations for new purposes or objects.

*Statistical Abstracts :*

Congress has recognized the difficulty entailed in the search for statistics in the foregoing compilations, few being acquainted with their scope or methods of arrangement. To partially remedy this difficulty, the Chief of the Bureau of Statistics of the Treasury Department has been authorized to issue yearly a "Statistical Abstract," which shall contain in a condensed form summaries of the statistical information contained in Government publications. Reports of this character have been issued since 1878. They furnish the material for much of the information contained in year books and almanacs.

*Railroad Statistics :*

In 1888 the Interstate Commerce Commission commenced the publication of annual statistics of railroads in the United States. Only the reports for 1888 and 1889 have thus far



appeared. They promise to form one of the most valuable sets of the statistical publications of the general Government. These reports give in detail for each railroad in the United States its length, character and equipment, the amount of its capital, its income and expenditures in detail, the amount of fixed charges, as bonded indebtedness, and its relation to other roads, as for instance, whether an operating road or leased. These roads are grouped according to companies operating, thus showing exactly the roads included in each system. Attention is also given in them to the extent of traffic, the number of accidents, etc. Commencing with the second report, the statistician has introduced a new table, which he announces will be continued in succeeding reports, showing the changes which have taken place in the ownership of railways during the year. There is thus presented an accurate history of the railroad development and consolidation which is going on so rapidly in this country. The importance of this table will increase with each report.

*Statistics of Labor:*

The foregoing statistical works have been largely compiled in connection with the other routine work of the federal executive. In 1885 Congress established a purely statistical bureau named the Bureau of Labor, under the Interior Department. In 1887 the Bureau of Labor was created an independent department. The attention of this department is exclusively devoted to the collection of statistics concerning the condition of labor, except when especially directed by Congress to undertake a particular investigation. Congress has ordered this to be done but once ; though it is probable that in the future Congress will make greater use of this department for conducting special investigations. Hon. Carroll D. Wright, for seventeen years Chief of the Massachusetts Bureau of Labor, has been Commissioner of Labor since the creation of the bureau. The publications of this department consist of five annual reports treating successively of (1) Industrial Depressions, (2) Convict Labor, (3) Strikes and Lock-outs, (4)

Working Women in Large Cities and (5) Railroad Labor; and a special report on Marriage and Divorce. These are statistical works of the highest order of merit. That on Marriage and Divorce is probably the most complete and accurate collection of statistics relating to one subject that has ever been made. The next series of reports of this department, will be on the Cost of Production and Cost of Living of the laborers in the principal branches of industry in America, England and on the Continent of Europe. The department has been engaged on this investigation for a number of years, and its result will fill four or five volumes. The great value of this work is unquestionable. For the first time it will furnish us reliable data concerning a number of much debated questions, such as the relative advantages of America and Europe for the production of the chief staple commodities,\* the proportion in which wages enters into the cost of production in each country, the efficiency of labor in each, the condition of operatives, their earnings and expenses in detail, etc.

A summary of the foregoing shows that the United States Government issues fifteen distinct statistical publications. The general condition of the country is presented each decade by an elaborate census. The annual letter and report of the Secretary of the Treasury and the reports of the Comptroller of the Currency cover the subject of Federal, and in part, of State finance. In the important field of production, yearly statistics are presented of agriculture, mining products, fisheries, and of gold and silver both in this and in foreign countries. Three publications, the monthly and annual Reports on Foreign Commerce and Navigation, the annual Reports on Internal Commerce, and the monthly Consular Reports, give statistics of the commerce of the country. A special report covers fully statistics of railway transportation, and an independent department reports concerning statistics of labor. A statistical abstract summarizes to some extent government statistics.

\*The bearing of this on the tariff question is evident. See "Scientific Basis for Tariff Legislation" by Hon. Carroll D. Wright, *Journal of Social Science*, 1884.

The proposition has been frequently mooted to combine the various statistical bureaus into one department of statistics. I shall not attempt to discuss fully the advantages and disadvantages of such a plan. There would be something gained in a few directions, but much lost in others. Undoubtedly it would be advisable to have the taking of the census entrusted to a permanent department, such as already exists in the Department of Labor.

The advantages of such a union have been presented repeatedly, and it has been recommended by every one either engaged in or interested in statistical work. These advantages are illustrated in Massachusetts, where the taking of the decennial State census is entrusted to the State Bureau of Labor. Both the census and the labor reports of Massachusetts are unsurpassed in this country for accuracy and scientific presentation. Each service aids the other. Labor statistics are collected at the same time that the census is taken, and the permanent existence of a bureau of statistics furnishes a corps of expert statisticians for the census work, already familiar with the ground to be covered. A new machinery does not have to be erected each decade, and a new service educated at great expense, which at best can never equal in efficiency a permanent service. In the case of the United States it would do away with the necessity of taking the whole census the same year. Census figures of population and production could be taken each decade, while collateral investigations, such as of vital statistics, statistics of mortgage indebtedness, of local finances, etc., could be collected during intermediate years. The greater part of the force would then be constantly employed. There is little doubt that greater economy and efficiency would be thus secured.

Possibly also, it would be advisable to combine the Bureaus of Statistics which now exist under the Treasury and State Departments. But it is difficult to see how statistics of railways could be more advantageously collected than as at present through the Interstate Commerce Commission, or agricultural and mining statistics than by the departments of the Government devoted to these industries.

There is, nevertheless, a lack of uniformity and coördination between the different statistical bureaus which is to be regretted. Each bureau has been organized as circumstances have seemed to require. As a result there has been formed a system of statistical collection in many ways defective. In some fields exceptionally complete statistics are furnished, while on other subjects of equal or even greater importance, no information at all is collected. In the remainder of this paper I shall refer to a few fields that should be covered by statistical publications if we would render our system of Federal statistics complete.

It will be noticed that in the great divisions of productions, annual statistics are collected for each class except that of manufactured products. Recent years have witnessed a marked tendency on the part of the Federal Government to create separate departments to look after each class of industrial interests as for example the Agricultural Department for agriculture, the Fish Commission for fisheries, and the Bureau of Mines and Mining in the Geological Survey for the mineral industries. Manufactures alone have received no attention from the Federal Executive, however much they may have occupied the attention of late Congresses.

The collection of statistics of manufactories, to be sure, offers many difficulties, but not more than is offered in the collection of agricultural statistics, and a similar system of collection would be equally effective. The success attending the efforts of such associations as the American Iron and Steel Association and the National Wool Growers' Association to secure statistics of the production of iron and wool illustrates the feasibility and ease with which statistics of the principal articles of manufacture can be obtained.

The second gap in the Federal statistical system is that caused by the incomplete collection of statistics of transportation. Since 1888 we have had adequate statistics concerning railroad transportation. The reasoning which applies to the necessity for the collection of railroad statistics applies with equal force to the collection of statistics of other transportation companies, such as those engaged in transportation by water, express

companies, palace and sleeping car companies, telegraph companies, etc. These statistics should be collected by the statistician of the Interstate Commerce Commission. The Interstate Commerce Commissioners in their last annual report urge that the provisions of the Interstate Commerce Act be extended to companies engaged in transportation by water, and the statistician desires that all companies concerned in any way in Interstate Commerce should be required to make reports to the Commission similar to those now required of railroad companies. This latter suggestion at least should be adopted. Were this done much assistance would be furnished us for the determination whether these companies should come under the Interstate Commerce Act or not, or the advisability of the Government organizing a postal telegraph system. Such statistics are also very easy of collection. Printed forms of reports are now furnished each railroad company, which the company is required by law to fill out and return to the Commission. Absolute uniformity is thus secured. Prof. Henry C. Adams has demonstrated that a very valuable collection of railroad statistics can be secured in this way at a small expense. It is scarcely necessary to dwell upon the importance of securing this class of statistics. Prof. Adams in a paper read before the Washington meeting of the American Economic Association, 1890, on statistics as an aid in the correction of corporate abuses, showed their great practical value in the adjustment of the relations between corporations and the Government. The proper management of the finances of these corporations is of very nearly equal importance to the general public to that of the Government finances. Complete publicity of their accounts would go a long way towards the correction of many abuses.

There are other important fields in which the Government has as yet done nothing—fields in which foreign central governments have done exceptionally elaborate work. Of these the two most important are statistics of crime and vital statistics.

The Attorney-General of the United States, in his last report as head of the Department of Justice, recommends

the creation of a bureau of statistics of prisoners and prisons. In his report for 1889 the Attorney-General says :

"It is urged with much force that a prison bureau should be established in the Department of Justice, where could be gathered, collated and recorded in a permanent form the criminal statistics of the United States. It is impossible at the present time to find any office or bureau where information concerning crime and criminals in this country can be obtained. The criminal statistics of the United States cannot be compared with those of other nations. The advantages of such a bureau to the Government, State, county and municipal officers, and the public generally would be invaluable. This prison bureau could be made the central office of the Bertillon system of measurements for the identification of criminals. It is believed the States and Territories would co-operate and heartily endorse such a plan, and it would undoubtedly meet with the favor of the wardens and superintendents of the several penitentiaries. I earnestly urge an appropriation necessary to carry out the above recommendations."

The National Prison Reform Association has repeatedly adopted resolutions favoring the establishment of a bureau of this character. This is a subject of no ordinary importance, and it is one upon which little or no reliable information now exists for the whole country. Such questions as the influence of our foreign-born population on the prison population, the influence of education, of intemperance and of insanity upon crime, the question of hereditary tendencies towards crime, etc., are questions which should be answered as soon as possible.

An equal necessity exists for vital statistics. There is a remarkable lack of either statistical compilations or of literature of any kind bearing upon this class of statistics in this country. A number of States (notably Massachusetts), collect statistics of births and deaths through State Boards of Health and Registers; and the reports of health officers of most of our large cities are of great value. What is lacking is a cen-



tral bureau to correlate these efforts. A Federal bureau would be of great service did it make no collections itself, but devote its entire attention to the summarizing and presentation of material contained in State and municipal health officers' reports. Congress created in 1878 a National Board of Health, which, however, has never exhibited any vitality. This Board might be revived, and possibly made a permanent bureau under the Interior Department, and the collection of vital statistics intrusted to it. Foreign powers have attained a high degree of perfection in the collection of vital statistics. The long series of reports of the Registrar General of Great Britain contributes a fund of information of which Englishmen may well be proud.

In the extension of its statistical labors the Federal Government should bring one consideration prominently forward. A feature of its work should be its co-operation with State and municipal officers. It is justly held that the States should bear their proportion of the burden. In many cases the States are in a better position to collect statistics than is the Federal Government. A fair proportion of the States are already doing considerable work in the collection of statistics. Twenty-three States have bureaus of labor. Thirty have boards of health, and at least seventeen of these collect statistics of births, deaths, and marriages. Thirty require reports from railroad companies, ten from banking institutions, etc. Reports of State Commissioners of prisons, agriculture, etc., also contain statistics of more or less value.

Central bureaus at Washington could be made the medium through which these disconnected results could be brought together, and presented in an available shape. The Federal bureaus now existing are doing something in this way. The Bureau of Mines and Mining and the Agricultural Department make considerable use of State publications. The Department of Labor is now engaged in the preparation of a topical digest and index of the one hundred and forty reports of State labor bureaus, and a digest of State laws relating to labor.



The establishment of national bureaus is markedly effective in improving the quality of similar work of the States. They are of the greatest service in introducing uniform methods of statistical presentation. The superior work of the United States Department of Labor has furnished a model for the States to copy. The Interstate Commerce Commission has been very successful in its efforts to secure this result.\* State Commissioners have changed their forms of reports required of companies and of the financial year covered by their reports to conform to that of the Interstate Commerce Commission.

The day has now long passed when it is necessary to insist upon the importance of accurate statistics illustrating the resources of a nation or the condition of its citizens. Each advance in civilization renders social and economic conditions more complicated, and increases the need for systematizing information through statistical compilations. There are indications of a development of a statistical science in this country. Let us hope that the Government will aid in every way the furtherance of this much-to-be-wished-for result.

WM. F. WILLOUGHBY.

*Washington, D. C.*

\*See address by Prof. H. C. Adams on Uniformity in Railway Statistics, at the First Annual Convention of Railway Commissioners 1889, also appendix to his first report on Railway Statistics 1888.

## PERSONAL NOTES.

### AMERICA.

**Brown.**—Dr. G. G. Wilson has been appointed Associate Professor of Political and Social Science in Brown University. He was born in Plainfield, Conn., in 1863, prepared for college at the University Grammar School of Providence, R. I., and graduated from Brown University in 1886 with the degree of A.B. Two years later he received the A.M. degree on examination and the following year the Doctorate of Philosophy. He was for some time engaged in teaching, as principal of the Groton and Rutland high schools and then studied in Europe at Heidelberg, Berlin, Paris and in England. He has contributed to various periodicals and is author of—

“Town and City Government in Providence; a Study in Municipal History, 1889.”

**Columbia University.**—Dr. Monroe Smith, managing editor of *Political Science Quarterly*, and author of numerous encyclopædia and magazine articles, has just been made full Professor of Comparative Jurisprudence in Columbia University. Professor Smith was born in Brooklyn, N. Y., in 1854; studied at Amherst College, (1870-1875,) Columbia College, Law School (1875-77) and the Universities of Berlin, Göttingen and Leipsic (1877-80). He received the A.B. and A.M. degrees from Amherst, LL.B. from Columbia and J.U.D. from Göttingen. His positions in Columbia, where he has taught consecutively since 1880 have been : Lecturer on Roman Law 1880-91; Instructor in History, 1880-83; Adjunct Professor of History, 1883-91. *The Political Science Quarterly*, of which he is editor, was established in 1886.

Professor Franklin H. Giddings, of Bryn Mawr College,

has been appointed Lecturer on Sociology in the School of Political Science, Columbia College, for the Academic year 1891-92. The appointment does not take him from Bryn Mawr, nor affect his duties there. Professor Giddings was born at Sherman, Fairfield county, Conn., March 23, 1855. After preparatory studies at the high school at Great Barrington, Mass., he entered Union College in 1873 and received in course the degrees of Bachelor and Master of Arts. Engaging in newspaper work, he became an editorial writer on political and economic questions, and held positions on the Springfield, Mass., *Daily Union*, the *Springfield Republican*, and other journals. In 1885, at the request of the Hon. Carroll D. Wright, he made an investigation of productive co-operation and profit sharing in the United States, the results of which were published in the seventeenth annual report of the Massachusetts Bureau of Statistics of Labor. The monograph was reprinted for general distribution by special order of the Massachusetts Legislature, and was translated in part for the "*Bulletin de la Participation aux Benefices*." The growth of interest in profit sharing in the United States, and the steady extension of the practice, date from this work. In 1888 Professor Giddings published, with Professor J. B. Clark, of Smith College, "The Modern Distributive Process," a reprint of articles contributed to the *Political Science Quarterly*. Among his other contributions to economic and sociological theory have been; "The Sociological Character of Political Economy," American Economic Association, 1886; "The Theory of Profit Sharing," *Quarterly Journal of Economics*, April 1887; Studies in the Theory of Capital and Interest, *Quarterly Journal of Economics*, July, 1889; January, 1890; and January 1891; "The Province of Sociology," ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, July, 1890; "Malthusianism and Working Women," *Ethical Record*, July, 1890, and "The Ethics of Socialism," *International Journal of Ethics*, January, 1891. In 1888 Professor Giddings came to Bryn Mawr College, as Resident Lecturer on Political Science. The following year he was made Associate in

Political Science, and this year Associate Professor of Political Science. He is chairman of the publication committee of the American Economic Association, a vice-president of the American Academy of Political and Social Science, and an associate editor of the *ANNALS*.

**University of Kansas.**—There have been a number of changes in the teaching force of the department of Political Science and History in the University of Kansas, all of which take effect at the opening of the next academic year. Professor James H. Canfield, as noted below, has resigned the Professorship of American History and Civics to accept the Presidency of the Nebraska State University.

Dr. E. D. Adams, who has been elected Assistant in History and Sociology, was born at Decorah, Iowa, in 1865. He was a student in Iowa College, Grinnell, Iowa, 1883 to 1885; student in the University of Michigan, Ann Arbor, Mich., 1885 to 1887, taking the degree of A.B. in 1887; was principal of the High School at McGregor, Iowa, 1887 to 1888, and student of the University of Michigan for the degree of Doctor of Philosophy, 1888 to 1890, during which time he was for a short time principal of the high school at Saginaw City, Mich., supplying a vacancy. In 1890 he took the degree of Ph.D. The subject of his thesis was "The History of the Budget in the United States." A portion of this monograph was read as a paper before the American Historical Association at its last meeting in Washington, D.C. Since July, 1890, he has been connected with the census work on street railways, and since December has held the position of special agent in charge of street railways.

Dr. Frank W. Blackmar, at present Professor of History and Sociology, combines his chair with that made vacant by Professor Canfield's departure. Dr. Blackmar has been engaged steadily in his chosen profession with intervals of study and preparation since his completion of the course in the Northwestern State Normal School at Edinboro, Pa., in 1874. He was born in Erie County of that State in 1844. His col-

legiate education was acquired at the University of the Pacific and his university education at the Johns Hopkins University. From the latter institution he received the Ph.D. degree in 1889, having taken the Ph.B. and A.M. degrees from the University of the Pacific. The most important position which Dr. Blackmar had held before his appointment in the University of Kansas, was that of Professor of Mathematics in the University of the Pacific, 1882-1886, though he has spent much time in public education, in high schools, in academies, and in boards of education. His writings have been confined to studies in education and history. Among them are :

"The History of Federal and State Aid to Higher Education in the United States," 1890;

"The Study of History and Sociology," 1890;

"Spanish Institutions in the Southwest," 1891 (in press).

**University of Nebraska.**—The University of Nebraska has secured as Chancellor, Professor James H. Canfield of the University of Kansas, a man who, through his prominence in the work of the National Educational Association for many years, as well as through his work in American History and Civics, is known throughout the entire country. Chancellor Canfield was born at Delaware, Ohio, in 1847. He prepared for college at the Brooklyn Collegiate and Polytechnic Institute and graduated from Williams College in 1868. After graduation he held the position of General Accountant, Purchasing Agent and Superintendent of Construction for the Milwaukee and St. Paul Railway. He was admitted to the bar in Michigan and practiced law at St. Joseph in that State, where he was also Superintendent of the city schools, (gratuitous). In the University of Kansas his position has been twice modified. He filled originally the chair of History and English Language and Literature, then that of American History and Political Science, and, at the time of his transfer from that institution, his chair had the designation of American History and Civics. He was for three years Secretary of the National Educational Association, and was President for the year

1889-90. He is the author of the following and other minor works :

"Local Government in Kansas."

"School History of Kansas."

"A Monograph on Taxation."

In accordance with our custom, we give below a list of the students in political and social science and allied subjects on whom the degree of Doctor of Philosophy was conferred at the close of or during the last academic year:\*

Columbia College, Department of Political Science.—John Fieldhouse Fenton, Jr., A.M. Thesis: The Theory of the Social Compact and its Influence upon the American Revolution.

Percival S. Menken, A.M. Thesis: Regulation of the Liquor Traffic.

John Dean Goss, A.M. Thesis: The History of Tariff Administration in the United States.

Walter Francis Wilcox, A.M. Thesis: The Divorce Problem; a Study in Statistics.

Harvard University.—Herman V. Ames, A.B. Thesis: The proposed Amendments to the Constitution of the United States.

Frederick E. Haynes, A.M. Thesis: The Struggle for the Constitution in Massachusetts.

Johns Hopkins University.—James William Black, A.B. Thesis: Attitude of Maryland in the Struggle for the Possession of Canada.

George Petrie, A.M. Thesis: Church and State in Early Maryland.

Edward Allsworth Ross, A.B. Thesis: Sinking Funds.

Sidney Sherwood, A.B. Thesis: The University of the State of New York; an Historical Account of its Founding, together with a Sketch of its present Organization and Workings.

Bernard Christian Steiner, A.B. Thesis: History of University Education in Maryland.

\*See Vol. I, page 293 for Academic year 1889-90.

William Howe Tolman, A.B. Thesis: History of Higher Education in Rhode Island.

Stephen Beauregard Weeks, A.B. Thesis: Religious Development in the Province of North Carolina.

Westel Woodbury Willoughby, A.B. Thesis: The Supreme Court of the United States.

Arthur Burnham Woodford, Ph.B. Thesis: The Use of Silver as Money in the United States.

University of Pennsylvania.—William Draper Lewis, B.S. Thesis: Our Sheep and the Tariff.

For the academic year 1890-91, appointments to fellowships and post graduate scholarships have been made in our leading institutions as follows:

Bryn Mawr.—Fellowship in History, Caroline Miles, A.M.

Columbia College.—Of the twelve University Fellowships, 1891-92, one was awarded in the Department of Political Economy to William L. Ripley, B.S. Four annual Seligman Fellowships: Stephen F. Weston, A.M.; Frank Loomis Eckerson, A.M.; Samuel Whitney Dunscomb, Jr., A.M.; William Bondy, A. M. Seligman Prize in Political Economy was awarded to Charles H. J. Douglas, A.M., for an essay on "The Financial History of Massachusetts."

Cornell University.—Fellow in Political Science, Frank Fetter, A. B.; in Political Economy, J. A. Lindquist, A. B., T. B. Veblen, Ph.D.; in Modern History H. C. Stanclift, Ph.B.

Johns Hopkins University.—Fellows in History: Paul Erasmus Lauer, A. B.; Michael Andrew Mickelson, A. B.

Harvard University.—Rogers Fellow, Student of Political Science, John H. Gray; Ozias Goodwin Fellow, Student of History and Political Science, William G. Brown; Thayer Scholarship, Student of Political Science and History, F. R. Clow; Thayer Scholarship, Student of History, Evarts B. Greene; Thayer Scholarship, Student of Political Science, J. A. Wilgers; University Scholarship, Student of Political Science, F. G. Caffey.

For the translation of the two papers in this number of the



ANNALS, "Economics in Italy" and "The Present Condition of the Peasants of the Russian Empire," the Academy is indebted to Cornelia H. B. Rogers, of Bridgeport, Conn. Miss Rogers received the A.B. degree at Wellesley College in 1884, and was a post-graduate student there the following year. She subsequently resided in Italy and Spain, and studied the languages of those countries. She is now interested in the study of modern languages, and has rendered the Academy valuable service on several occasions in the manner indicated.

## AUSTRIA.

A signally deserved honor has been conferred by the Austrian Government upon the President of the Royal and Imperial Central Statistical Commission, Dr. Karl Theodor Von Inama-Sternogg, by his appointment for life as a member of the Upper House of Parliament in recognition of his scientific services in Economics and Statistics. Dr. Sternogg was born in Augsburg, Bavaria, in 1843 and obtained his University education mainly in the Bavarian University of Munich, where he took his degree in 1865 as Doctor of Political Science (*Doctor der Staatswirtschaft*). His career as an instructor began in the same University, but in 1868 he was called to Innsbruck as Professor of Political Economy, in which University he remained twelve years, serving as Rector in 1875-6. He went to Prague as Professor in 1880 and in the following year to Vienna where he had been appointed Director of Administrative Statistics, and at the same time, Honorary Professor in the University of that city. In 1884 he received the appointment to the position which he now holds at the head of the Statistical Commission. This position was, in 1890, made equal in rank with that of Department Chief (*Sectionschef*). Dr. Sternogg is a member of learned Societies in Austria, Belgium, France and England. The most important of his writings are:

"Verwaltungslehre," 1870.

"Deutsche Wirtschaftsgeschichte," 1st Vol., 1879, 2d Vol., 1891.

**Vienna.**—Dr. E. von Böhm-Bawerk\* has been appointed Honorary Professor of the University, and expects to avail himself of the privilege of lecturing, which the appointment confers.

ENGLAND.

**Kings College.**—Dr. Wm. Cunningham has been appointed to the Tooke Professorship of Political Economy at Kings College, London, vacated by the appointment of Professor Edgeworth to Oxford, and he has also been elected to a Fellowship at Trinity College, Cambridge. Professor Cunningham, who is a D.Sc. of Edinburgh and a D.D. of Cambridge, has for some time been University Lecturer at Cambridge and Lecturer in Trinity College as well as Vicar of St. Mary's the Great. We are indebted to Professor W. J. Ashley, of Toronto for permission to quote from his review of the "Growth of English Industry" in the *Political Science Quarterly* for March, the following statement of Professor Cunningham's position among English Economists:

"Anyone who is acquainted with recent English political economy knows that for the last decade Mr. Cunningham has been the sturdy and even aggressive critic of the dominant abstract school, the advocate of a more historical or 'empirical' study of social phenomena. In the years between the death of Cliffe Leslie and the appearance of Dr. Ingram's "History," he stood almost alone in the English academic world in his open antagonism to the deductive method. And he did not confine himself to mere criticism: his "Growth of English Industry and Commerce," (1882) was the first attempt that had been made to trace the whole course of English Economic development; while his monograph on "Usury" (1884), now unfortunately out of print, was the first serious discussion in England of one of the most important of mediæval conceptions. To the revival of economic studies which is now showing itself in England, Mr. Cunningham both as a teacher at Cambridge and also through his books, has contributed in no

\* See ANNALS, Vol. I., p. 139.

small measure. To him, perhaps, more than to any one else it is due that the conception of the "relativity" of economic doctrine is at last beginning to find a place in current discussions."

## GERMANY.

**Leipzig.**—Professor v. Miaskowski\* who followed Professor L. Brentano, at Vienna when the latter was called to Leipzig in 1889, has again become his successor in the University of Leipzig. As announced in the ANNALS for July, 1891†, Professor Brentano has resigned his chair at Leipzig to accept a call to the University of Munich.

**Munich.**—Dr. Walther Lotz‡, now privat docent at Leipzig has been called as honorary professor to the University of Munich. Since the issue of the ANNALS of July, 1890, Dr. Lotz has published in the "*Schriften des Vereins für Sozialpolitik*," an essay entitled "*Die Schiedsgerichte in der nordenglischen Eisen und Stahl Industrie*." The same essay appeared later in "*Le Revue d'Economie Politique*."

**Strassburg.**—Dr. Georg von Mayr, who has established himself as privat docent at Strassburg and expects to begin his lectures in the Winter Semester of 1891-92, was born in 1841 in Würzburg, attended the Gymnasium in Würzburg and the University of Munich. He passed the State examination in law in 1865 and in the same year won at Munich his degree as Doctor of Political Science (*Doctor der Staatswirtschaft*). He became privat docent in Munich in 1866, and two years later was appointed as extraordinary Professor in the same institution. He was actively engaged in the public service, however, from 1869 to 1887 having been appointed Chief of the Royal Statistical Bureau of Bavaria (1869), Member of the Bavarian Ministry of the Interior (1872), and Chief of the Department of Finance in Alsace-Lorraine (1879). Since resigning the last-named office in 1887, he has resided in Munich.

\* See ANNALS, Vol. I., p. 139. † See ANNALS, Vol., II., p. 110.

‡ See ANNALS, Vol. I., p. 141.

Dr. von Mayr established in 1890 the "*Allgemeinen Statistischen Archiv*" and has contributed many of its leading articles. He has also taken active part as representative of the government ministry, in several important Parliamentary debates, particularly in 1879, when the Tariff of that year was under discussion in the Reichstag; in 1882, in the debate on the Tobacco Monopoly Bill, and at various times when the affairs of Alsace-Lorraine were under discussion. His lengthier writings have been:

"Die Gesetzmässigkeit im Gesellschaftsleben, Statistische Studien," München, 1877.

"Das Deutsche Reich und das Tabakmonopol," Stuttgart, 1878.

"Die Quellen der Sozialstatistik, mit besonderer Rücksicht auf die Einrichtungen der Arbeiterversicherung," im "*Bulletin de l'Institut international de statistique*," 1889.

## BOOK REVIEWS.

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**THE WORKING CLASS MOVEMENT IN AMERICA.** By EDWARD and ELEANOR MARY AVELING. Second Edition. Pp. 239, with Appendix. London: Swan, Sonnenschein & Co. 1891.

THE statement of the authors at the beginning of this book that the phrase "Working Class Question in America" is to them, in the main, synonymous with "Socialism in America," reveals the character and bias of their work. The authors state that the knowledge necessary for its preparation was gained in a fifteen weeks' tour in the United States in the fall of 1886, from the labor journals of our country and from the Reports of the Bureaus of Labor. Traveling under the auspices of the Socialistic Labor Party and conversing with its representatives in the different cities visited, it is not strange that the authors should show themselves poorly informed about the classes of our people. They conceive of our population as divided into a cruel employing class, and a working class crushed by every sort of tyranny. Of the vast middle class of our town and country population they are entirely ignorant. A much longer time than fifteen weeks and a more judicial turn of mind than that of the authors are necessary in order to appreciate the political, social and economical organization of our country. A few quotations from Chapter II may emphasize the authors' ignorance: "In America transition stages and classes are, for the most part, wanting." "In America there seems to be no social and intellectual middle class." "There are in America far more trenchant distinctions between the capitalist and laboring class than in the older lands." "At the one end of the scale is the millionaire . . . . At the other end is the helpless, starving proletarian." "The workingmen and the capitalists in the ma-

jority of cases quite understand that each as a class is the deadly and inexorable foe of the other.' Unfortunately, Mr. and Mrs. Aveling are not the only writers on economic questions who assume that the conditions of large manufacturing cities prevail over the entire United States.

In the chapters upon the conduct of employers, wages, work, method of living, woman and child labor, the authors have selected from the vast amount of testimony in the reports of the Bureaus of Labor a few complaints of men, who in many cases were out of work, to support their conclusions. That there are many evils in the relation of employer and employee is only too true; but the selected, unsupported statements of discontented laborers cannot be considered to give reliable accounts of our economic condition. Throughout the book there is a very unscientific use of authorities. There is no attempt to balance contradictory evidence and to arrive at a true conclusion as to the average condition of our wage-earners.

The chapter on Anarchists contains a bitter attack upon the courts which convicted the Chicago Anarchists. Mr. and Mrs. Aveling became warm personal friends of the chief counsel of the Anarchists and they accept his statements as conclusive authority.

The book will be of no use to any American reader and it is unfortunate that such an utterly unreliable account of the relations of employer and laborer in the United States should be put before English readers.

HERBERT ELMER MILLS.

*Vassar College*

L'ÉVOLUTION SOCIALE EN BELGIQUE ; ses péripéties au point de vue des Classes Ouvrières. L'Équête Ouvrière de 1886. Par le DR. LE CAMPS. Pp. 309. BRUXELLES. 1890.

In his preface the author states that his work is not based on original investigation, and that it does not pretend to be a profound sociological study. It is intended to be merely an historical sketch of the various phases of the social development of the laboring classes since those classes first had political organization in Belgium, together with a summary of the remedial legislation enacted or proposed at the present time. Ninety sketchy and rather rhetorical pages are given to the historical view extending from the middle ages to the present. The remainder of the work is for the most part a summary of the testimony taken and conclusions reached by a Royal Commission of Enquiry concerning labor which was appointed April 15, 1886.

The author says of this commission that "according to the organic act its mission was very great : a field without limit opened before it for exploration. Nothing essential to the labor problem was foreign to its investigations." In other words, it was something like one of our congressional committees authorized to sit during the recess of Congress and take a bulky lot of testimony on any and all phases of the labor problem, and to listen to all witnesses that present themselves. A *questionnaire* filling six closely-printed pages was scattered broadcast over the country, and the commission conducted oral investigations in different parts of the kingdom.

The author devotes seventy-eight pages of his book to extracts from the oral testimony, the rather scrappy selections being arranged according to the places where the testimony was taken. A more usable portion of the work is that, about fifty pages, devoted to the written replies to the questions sent out. These are classified by subjects, and, as already intimated, cover the whole range of the labor problem from the physical characteristics of the laborers themselves to the adulteration of liquors. Then follow abstracts of seventeen papers, each dealing with a special topic, written by different men.



The manner of conducting the investigation foreordained the accumulation of a heterogeneous mass of material, much of it of no special value. An avowed aim of the commission was to listen to all complaints and report them. This was doubtless useful work for the citizens of Belgium; it served to lessen discontent and to awaken active sympathy. But the complaints and plans for reform are very much like those with which students of the labor problem are familiar elsewhere; and as the author elected to reproduce the bulky investigation in miniature rather than to make a study based upon it, the work is of special value only to one specially interested in Belgium itself. The volume contains no statistical tables and no index.

A. G. WARNER.

*Washington, D. C.*

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DER WAREN-TERMINHANDEL; seine Technik und Volkswirtschaftlich Bedeutung. Von DR. CARL JOHANNES FUCHS, Privatdocent an der Universität, Strassburg. Leipzig, 1891.

FEW people not directly concerned in business on Boards of Trade or stock exchanges have any clear conception of the nature of these institutions, while the expression "dealing in futures" to most people means simply gambling in some way to them unknown. In consequence of this prevailing ignorance and false opinion regarding their nature, there has been an outcry against them, and legislation of a crude and mischievous kind has been frequently proposed, though as yet in our country little has been really carried through.

It would be a genuine service if some one in our country would do what Dr. Fuchs in this brief pamphlet, reprinted from Schmoller's "*Jahrbuch*," has done for Germany. He has given a clear, succinct account of the nature and process of growth of such institutions, has shown their significance and importance, not to say necessity, for the business interests of the community, and has made clear their workings in every-day transactions.

Of course, the dangers arising from them, the real injury done to the commercial interests of the country at times by stock manipulators, corners, etc., are not neglected, but are traced to their sources, and the remedies that have been proposed for such abuses are carefully analyzed and criticized. It is interesting to note that such abuses are considered to be in great part due, not to the nature of the business itself, but rather to its imperfect organization, and that the remedy is, in the author's opinion, to be found, not so much in legislation—though legislation that should give the public detailed and accurate information regarding the business is considered desirable—but rather in a better organization and in the more reasonable and rigid action of the organizations themselves.

All such publications that throw light upon the real nature of practical business, and enable people to understand how sensible and reasonable, as well as economically beneficial to all classes in the community, in spite of many abuses, our business institutions are, will tend to check injurious legislation and to promote greater harmony among the different industrial classes. Unfortunately, such publications too often fail to reach the classes that most need them.

JEREMIAH W. JENKS.

*Cornell University.*

SOCIALISM, NEW AND OLD, By WILLIAM GRAHAM, M. A., Professor of Political Economy, etc., Queen's College, Belfast. Pp. lv. 415, 12mo. Volume 68 of the International Scientific Series. New York : D. Appleton & Company, 1891.

THIS is a carefully-planned book, embracing an introduction of fifty pages, which may be profitably re-read as an appendix, and thirteen chapters. Striking off the first chapter, devoted to analysis and definition, and the last, which discusses certain tendencies in existing society towards a socialistic State, the reader finds the remaining space divided about equally into three portions. Three chapters go to a compact historical résumé; four others describe and discuss the socialistic or collectivistic State as imagined by those who now profess and call themselves "Socialists;" and other four chapters,

under a running title of "Practicable State Socialism," enumerate and criticize various measures proposed as remedies for existing evils in the body politic.

The author did not propose to himself the task of writing in detail the history of socialistic ideas and experiments, but in a vigorous sketch he brings into relief the men and events marking epochs in socialistic evolution. Those only who are already well informed in the annals of socialism can make the most of this résumé and the criticism it was intended to call out. It serves the author's purpose well to bring into the strongest light Rousseau, St. Simon and Marx as epoch-making socialistic theorists. And this disposition is not really misleading. Some readers will disapprove of the apparent disparagement of Rodbertus and Lasalle; all will, however, agree that in the economic writings of Rousseau are to be found the *fons et origo* of all modern socialism. The equivocal position of John Stuart Mill is properly indicated. The author does not fail to give due prominence to the doctrine of Karl Marx as the basis of State socialism. He sees clearly and states strongly its presuppositions and its central element in a theory of value.

In reply to the Marxian postulate that labor alone confers value, he shows that this postulate imports into the science of production, a function or element which emerges only in the field of exchange. Human labor, applying the forces of nature to matter, produces, if anything at all, simply produce or product; whether value shall ever attach to produce depends upon its getting into the field of exchange and the relations of men and things in that field. Machines, by calling into use the forces of nature, contribute to the increase of produce, which may, or may not, be carried into the domain of exchange and there be valued in competition with other produce. The answer to Marx is not, then, that capital as well as labor produces value, but that neither of them produce value. Value is not a product, but an attribute.

In the chapters devoted to State socialism, Professor Graham describes, criticises, and finally unequivocally condemns that

general scheme. The most radical and ingenious objection brought forward is that in its theory of value State socialism, or collectivism, as the author prefers to call it, fails to fulfil its promise of setting up a principle of distribution, self-acting and infallible. The number of laborers in the State being uncertain and changing, and the amount of produce always fluctuating, it would be necessary for the State from time to time to determine the value, in terms of all possible products, of the labor-time checks, in which labor is in the first instance to be paid, and which circulates as currency, all money having been abolished. The author's final pronouncement is, that "universal State enterprise" with its corollaries, the cessation of interest and the abolition of money, is impossible.

Convinced of the impossibility of "*laissez-faire*" in the modern State and recoiling from the extreme of State socialism, Professor Graham advocates cautious and patient experiment with such remedial measures of a socialistic nature as may be thought promising. A reason for this is that it is a general fact that by the time a tendency in politics or industry is widely and generally felt, an unseen counter-tendency is already beginning to operate; for example, the drift towards equality of condition so apparent fifty years ago and portrayed with so much vigor and apprehension by De Tocqueville has been counteracted by processes entirely unobserved by that acute publicist. Although none too sanguine of the success of co-operative production in the face of private competition, he favors experiment and the granting of State aid in the way of advancing capital at market rates. He would abolish speculative land holding, so soon as local government shall be properly and effectually reformed. His plan for public education strikes an American reader with amused surprise, so far short does it fall of the actual socialistic development in education in our country, it is simply proposed that public funds be created for furnishing prizes, exhibitions and scholarships for the talented poor, who may in this way be assisted to rise. The taxation of inheritances is strenuously contended for, but it is admitted that such taxation must be so limited as not to

induce proprietors to evade it by gifts or other alienations in life. The question naturally arises, "Will not this be done, if the tax is of any real account?" In socialistic legislation to fix the length of the working day, or to fix a minimum wage or an average wage, the author finds little or no promise of help to laborers. He is more sanguine of the benefits to result from State ownership of railroads, forests, and mines, and he insists on the municipal building of houses for the occupation of the working poor. Mr. Charles Booth's scheme for the enforced colonization of a stratum of the London poor is characterized as the sending, by society, of three or four million of slaves into captivity for the benefit of the classes of laborers just above them in the ingenious classification of that philanthropist.

"Socialism, New and Old," is well worth the careful perusal of all who wish to be well informed on that subject. The exposition is clear, the argumentation acute, and fair. The conclusions will satisfy, for the time being, all reasonable people who are free from enthusiasm on the one hand and pessimism on the other. The only drawbacks to the book are occasional entanglements in sentence-making and numerous little infelicities of diction which mar a style in the main clear and forceful.

WILLIAM WAATS FOLWELL.

*University of Minnesota.*

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PRINCIPLES OF SOCIAL ECONOMICS Inductively Considered and Practically Applied, with Criticisms on Current Theories. By GEORGE GUNTON, author of "Wealth and Progress." Pp. 447. New York: G. P. Putnam's Sons, 1891.

The key to this book is found in Mr. Gunton's former work, "Wealth and Progress." Having therein developed a law of wages, he now sets himself to work out this law into a complete system of "social" economy. The present work summarizes in the chapter on The Law of Wages the conclusions reached in "Wealth and Progress." According to the author, wages are not a proportional share of the product, but

are a stipulated price, determined by the same law as the prices of commodities. Applied to labor the law is "that wages tend to move towards the cost of furnishing the most expensive portion of the necessary supply of labor-power in any given market;" or, taking account of the standard of life, "the rate of wages in any country, class or industry constantly tends towards the cost of living of the most expensive families, who furnish a necessary part of the supply of labor in that country, class or industry." This is the fundamental principle in the book before us, and whatever of strength or weakness it shows, is ultimately due to the strength or weakness of this proposition. A close examination will show that this principle is wholly superficial. It is undoubtedly true as far as it goes, and is, in so far, of universal application. But it is of no real significance unless it is accompanied by an exposition of all the causes which determine what shall be this "necessary part of the supply of labor" in the given country, class or industry. But here Mr. Gunton fails. He seems to take it for granted that there is always a demand for all laborers, and loses sight of the problems of involuntary idleness, the appropriation of opportunities, the growth of monopolies, and, in fact, all causes which affect the demand for labor. But the law has a practical truth, for it is applicable to all those occupations where labor is organized. Here the vital principle is the limitation of the number of laborers who shall work at the trade in question. In such cases the law is true and of considerable import, but Mr. Gunton fails to make the limitation. Among the great masses of unorganized laborers the hypothesis is insufficient, and consequently all conclusions of a universal character which the author bases upon it must be faulty. This weakness can be traced throughout the entire work. For example, Mr. Gunton concludes with reference to taxation, that it is wholly indifferent to the laborer where taxes are originally imposed; if they are placed upon the commodities which he consumes they will increase the cost of his living, it is true, but he will demand higher wages or refuse to work. In this

way all taxes are transferred from the laborer to the employer, who is the only one who can pay taxes, since he is the only one who has a surplus above his necessary cost of living. Attractive as this conclusion may be, it is vitiated by reason of the important omissions above noted. Owing to the same cause, other conclusions of the author are inadequate, such as those relating to the necessary functions of government, the functions and regulation of money, and in general the entire theory of distribution.

Notwithstanding this imperfection, the work shows abundance of keen observation and shrewd criticism, and it makes at least one important contribution to economic science in showing the relations between machinery and the consumption of wealth by the masses. It is here that Mr. Gunton works out a suggestive outline of economic history and of corresponding economic thought. Political economy was written first from the standpoint of the land-owning class, then from that of the manufacturer and merchant; but now that serfs have become wage-receivers, large factories have arisen which require "a more extensive market for their success than any possible increase in the consumption of wealth by the upper and middle classes could furnish," and, "therefore, it is in the needs of the masses that the economics of the future must be studied and statesmanship determined." In developing this side of economic doctrine, the author may rightly claim that "instead of a system of '*commodity*' economics, which justifies human degradation as a means of cheapening wealth, we have a system of *social* economics which shows that the most effective means of promoting the industrial welfare of society on a strictly equitable basis must be sought in influences which develop the wants and elevate the character of the masses." No other American has shown so successfully the economic justification of all legitimate and practicable efforts for elevating the condition of the wage-receiving classes. Herein his book will stand criticism, and will furnish a starting-point for a well-rounded system of economics.

Oberlin College.

JOHN R. COMMONS.



THE ELEMENTS OF JURISPRUDENCE. By THOMAS ERSKINE HOLLAND, D.C.L., LL.D. Fifth Edition. Pp. xix, 390. Oxford: Clarendon Press, 1890.

THIS work, at its first appearance in 1880, was widely read in all English speaking countries. It was the first serious attempt in their tongue to treat the subject in a systematic and scholarly way. Austin's lectures were but fragments of material for a system; Sir Henry Maine had only covered special topics; but it remained for Professor Holland to explain the Science of Jurisprudence scientifically, from the Anglo-American standpoint. That he did it well the call for five editions in ten years is the best proof.

The present edition makes a volume larger than the first by about a fourth, and the new matter has been added with excellent judgment. Several of the chapters have been substantially rewritten, but rather the better to sustain the author's previous positions, than to vary them. Of this, that on the "Sources of Law" is a good example. Religion is now introduced as one of these, and its influence on the Government of British India is referred to with effect, as showing how it may force the adoption of personal law rather than territorial law, as the rule of judicial decision. "Adjudication" receives a much fuller and more satisfactory treatment, particularly with reference to the reasons that have made the continental judges pay it so little respect.

"The continental view is an inheritance from the law of Rome; for although Cicero enumerates '*res indicatæ*' among the sources of law and the Emperor Severus gave binding force to the *auctoritas rerum perpetua similiter indicatorum*, the contrary principle was firmly established by the Constitution of Justinian. The codes of Prussia and Austria expressly provide that judgments shall not have the force of law, and although the codes of France, Italy and Belgium are silent on the point, the rule in all these countries is substantially the same, viz: that previous decisions are instructive but not

authoritative ; subject to certain special provisions of a strictly limited scope."

The rescript of Severus, referred to in this passage, it may be observed in passing, was confined to ambiguities in statutes (*in ambiguitatibus, quæ ex legibus profiscuntur. D. 1. 3. 38.*) In the discussion of "Equity," as a source of law, its constant change and development is strongly insisted on, and Jessel's remark, as Master of the Rolls, is quoted with approval, that equitable doctrines "are progressive, refined, and improved ; and if we want to know what the rules of equity are, we must look, of course, rather to the more modern than to the more ancient cases."

Professor Holland refers freely to American authorities and speaks with special commendation of Dr. Wharton's treatise on Negligence, Holmes on the Common Law, and Woolsey on Divorce. In quoting from a recent opinion by Judge Holmes in the Massachusetts' Reports, we observe that he describes it (p. 98) as a "New York case." The greater diversities of condition and circumstances existing in this country, as compared with those to be seen in England, have given our courts the opportunity to advance the law in many directions of late years, and he notes sometimes not without apparent surprise and distrust, many positions taken here, not yet reached on the other side of the Atlantic. In regard, for instance, to marital rights *in rem*, after stating (p. 150) that of the husband that no man shall deprive him of his wife's society or affection, he adds : "An analogous right might, of course, be conceivably recognized as vested in the wife, and is said to have been recognized in recent American cases." In fact, the doctrine has been repeatedly affirmed here, not only in the cases to which he refers (evidently without having read them) but in that of *Foot v. Card. 58 Conn. Rep. 1.*

We should judge from the omission to refer to them in the chapters on Public and International Law, that the draft codes prepared by the Congress of Montevideo, 1889, and favorably considered at the Washington International American Conference of 1889-90, had not come under Professor Holland's





eye. They are now readily accessible in Government publications, and constitute a step of the first importance in the progress of international jurisprudence towards fixity and form.

SIMEON E. BALDWIN.

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LA MONNAIE ET LE BIMETALLISME INTERNATIONAL. Par EMILE DE LAVELEYE. Pp. xviii, 347. Paris: Gernier, Baillière et Cie, 1891.

THIS is the latest addition to Laveleye's long list of writings on bimetallism. His earlier contributions to the literature of the subject appeared in the *Revue des deux Mondes*, the *Revue Suisse*, the *Journal des Economistes*, the *Revue de Belgique*, and the *Contemporary Review*, and as independent works under the titles of "*La Question d'Or*," (1860), "*Le Marché Monétaire et ses Crises Depuis, 50 ans*" (1865), "*La Monnaie Bimétallique*" (1876), "*La Question Monétaire*" (1880), "*Le Bimétallisme International*" (1881), "*La Question Monétaire en Belgique en 1889*" (1890), etc. These are all familiar to a student of finance, and some of them have appeared in English translations. This latest work does not add much to the author's previous writings, and cannot lay claim to great originality. Constant reference is made to the other authorities in monetary matters, both monometallists and bimetallists—Sœtbeer, Palgrave, Sauerbeck, Giffen, D. A. Wells, Leroy-Beaulieu, S. D. Horton, Cernuschi, and Lexis. From these and from the reports of the English and American Commissions the statistical material is largely borrowed.

It is unnecessary to say that the book is an extended argument for international bimetallism. As usual, it begins with the demonetization of silver by Germany in the seventies, and its influence on the silver market, and indirectly on the money market. To quote from the preface: "Germany demonetizes silver and forces the other European governments to cease coining silver; the value of silver falls; a part of the wealth of the holders of silver throughout the world is destroyed; the Hindoo peasant loses 20 per cent. of his hoarded wealth;

the miners in the Rocky mountains earn less ; . . . English commerce is disturbed, exchange on silver countries fluctuates ; the currency is contracted ; prices fall ; a crisis results in the whole world. All this because Herr Bramberger wrote a pamphlet, entitled "*Reichsgold*," which induced Germany to adopt gold money as the only money worthy of a great nation." A parallel case is found in the adoption of a single gold standard by England in 1866, an unjust measure, and the immediate cause of money contraction, low prices, and commercial crises. He finds a different state of things in France during 1803-1870, the era of French bimetallism. So much for the historical part of the book. The argument for the adoption of international bimetallism, that is, the free coinage of gold and silver, the mint ratio to be fixed by treaty stipulation, is based as usual on the idea of scarcity of money. Demonetization of silver causes contraction of money, which causes low prices, depression, commercial crises, and distress. Hence, an increase of our circulating medium by opening the mints to the coinage of both metals is the panacea for the diseases of our modern industrial system. Each step in the syllogism (which in its structure logicians might find faulty) is supported by the familiar array of figures and facts. It is not unfair to say that the argument is the old inflation argument in a new form.

The most interesting parts of the book are chapters 53 and 68, which contain Laveleye's answers to supposed objections to bimetallism. The objection that the market and not the law determines the relative values of gold and silver is met with the statement that the mint adds to the value of an ounce of silver by making it into a coin, just as much as if it manufactured it into a spoon or fork. Gresham's Law receives some attention, while the claim that bimetallism would be unjust in allowing the debtor a choice between two kinds of money in making his payments is met by the statement that such a choice was allowed in England up to 1798. Laveleye seeks to weaken the monometallists' argument that the fall in the price of silver has been due not to legislation but to natural laws, namely, the increased







output of silver; and their argument that prices will vary less under a single than under a double standard. As was said before, the book lacks originality, but as a compilation of arguments in favor of the adoption of bimetallism it no doubt will be found a useful addition to the literature of the subject.

J. C. SCHWAB.

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AN INTRODUCTION TO SOCIAL PHILOSOPHY. By JOHN S. MACKENZIE, M. A., Scholar of Trinity College, Cambridge, etc., etc. Pp. xi and 390. New York: Macmillan & Co., 1890.

Much of the recent popular discussion of social and economic questions in this country has proceeded more or less along ethical lines, and nearly all of it has been confused and intermingled with the various types of popular philosophy. Scientific social writers have rather gone to the other extreme and attempted carefully to separate social and economic discussion from ethical and philosophical doctrines. Yet these fields of study are so nearly related that there are few writers in one of them that are not at least interested, if not masters, in the others, and each field of investigation has much to contribute to the elucidation of the others.

Little attempt has been made in a scientific way to bring the conclusions of philosophy to bear upon social questions, perhaps because there are so few conclusions. Yet even in the unsettled state of philosophy at the present time, our author hopes to have some new light from that source. The comparative novelty of his undertaking elicits our interest at the outset. He possesses many qualifications for the task, including a terse and varied diction.

The substance of the volume was given in a course of lectures at the University of Edinburgh in 1889, in accordance with the conditions of the Shaw Fellowship. In its present form it consists of six essays, treating, respectively, the following subjects: The Scope of Social Philosophy, The Social Problem, Organism, Aim, Ideal, and The Elements of Social Philosophy.

Mr. Mackenzie regards Social Philosophy as that which is concerned with the relations of men to each other, with their relations to the material world and with the development of individual character in so far as that is affected by these relations. (p. 62). Thus considered, he divides it into three departments, Political Philosophy, Economic Philosophy and the Philosophy of Education. Among the departments of Philosophy, "Social Philosophy will be logically treated among the last, since its object is one of the most complicated in the world of our experience. But it does not follow that the study of Social Philosophy ought to be postponed till the other departments of philosophy have been fully worked out; . . . such a study, though tentative and though dependent on a kind of faith is yet both a legitimate and a valuable one."

The social problem the author conceives to be largely a constructive one. The growth of the past century has been along the line of bettering our material conditions, brightening our general outlook, and breaking down a great number of old forms of connection, and the problem now is to find "some principle which will enable us to bring about a more perfect connection between the parts of our society, to form new links and ties . . . to overcome individualism on the one hand and the power of material conditions on the other." Further, he maintains that society is an organic whole and grows from within in accordance with an inner end. This end he conceives to be self-realization, and its ideal to be neither the monadistic one of Comte nor the dualistic one of Spencer, nor the monistic one of Schöffle, but an organic ideal. Thus he emphasizes the influence of personal development and education generally, and this section constitutes the strongest part of his book.

The two sections to which we wish to call special attention are those in which he treats of Utilitarianism pp. (202-227), and of Education (pp. 351-356). Mr. Mackenzie will probably admit the enormous importance that the Utilitarian principle has assumed of late years in all social discussion. It has

revolutionized economics and controls all scientific legislation. Yet he dismisses it as "a pretty piece of theorizing" that "looks on the surface as sound as could be wished." It is not to be wondered at that a writer who manifests throughout a strong Hegelian tendency in his philosophy should find little to sympathize with in the clear-cut reasoning of John Stuart Mill and others who have done most to develop Utilitarianism. Doubtless much can be said in criticism of that doctrine, but it is unfortunate that one who sees fit to differ from the prevailing tone of modern social writings should show that he either completely misunderstands the Utilitarian point of view or does not wish to present it in its strongest light.

In his treatment of the influence of education and its relation to social questions our author is at his best. He discusses three stages that go to make up a complete education; first, the acquisition of intelligence, that training which is necessary to produce a human being at all; secondly, the acquiring of abilities, or man becoming the particular individual for which he is by nature fitted; thirdly, the acquiring of wisdom, or the bringing of one's individuality into harmonious relationship with the rest of the world.

The suggestions respecting the opportunities and need of the church and other organized bodies in society disseminating knowledge on social subjects, and the reflex action of education on life, are especially worthy of praise.

SAMUEL M. LINDSAY.

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THE PRINCIPLES OF STATE INTERFERENCE. By DAVID G. RICHTIE.  
Pp. 172, London, 1891.

THIS volume is composed of four essays on the political philosophy of Herbert Spencer, J. S. Mill, and Thomas Hill Green. The reason for presenting these essays in one volume is found in the relation of the three authors to the general subject of political philosophy; Mr. Spencer being "perhaps the most formidable intellectual foe with whom the New Radicalism has to reckon," in other words, the leading advocate of

*laissez-faire* ; Mr. Mill being "in a process of transition from the extreme doctrines of individualism and *laissez-faire*, in which he was brought up, to a more adequate conception of society ;" and Mr. Green holding views of political philosophy most nearly in harmony with the true conception of the State.

The first two essays are devoted to a criticism of Mr. Spencer's views as set forth in "The Man versus the State." The essence of the criticism is that Mr. Spencer's "political individualism" and his organic conception of society are inconsistent. Incomplete or erroneous conceptions of the organic nature of society are the source of much that is misleading in current political theories. Mr. Ritchie has undoubtedly reached a sound conclusion when he states that "an appeal to the fact that society is an organism is no argument either for or against government interference in any given case." The errors of "a one-sided application of the conception of organic growth" can be escaped only "by recognizing a truth which includes them both. We must pass from 'organism' to 'consciousness,' from nature to the spirit of man."

In the third essay, Mr. Ritchie discusses "Individual Liberty and State Interference." The first part contains a criticism of J. S. Mill's negative philosophy. In general it may be said that Mr. Mill's conceptions of "liberty," of "individuality," and of "State interference," are false because they are only half truths ; e. g. liberty is "being left to one's-self," individuality is "diversity of one man from another." Having shown the insufficiency of Mr. Mill's political philosophy, Mr. Ritchie proceeds to discuss the "End of the State," and the practical application of the principles underlying this end. The end of the State is the development of man ; but since man's development is impossible apart from organized society, "in a way, the State is an end to itself." To the objection that such reasoning "involves the fallacy of arguing in a circle," that logic is against it, he replies pointedly : "So much the worse for logic ; i. e., the abstract logic of mathematics or of mechanics is not applicable to what is organic or more than organic. Wherever there is growth,

there we must expect to find what will not fit into one or other of the alternatives of an antithesis. No one has solved the puzzle whether the hen or the egg comes first. We cannot understand the one without implying the other ; and so it is with the individual and the State, with the actual morality of the age, and the ideal or end which determines that morality."

The essay on the political philosophy of Thomas Hill Green is least satisfactory, for it deals too sparingly with the subject. In his conception of the ethical end, Mr. Green may be called a utilitarian ; but the statement needs qualification, for, while any course of conduct is to be tested by its end, he holds that this end is not mere pleasure nor the greatest good to the greatest number in a society considered merely as an aggregate of individuals. The end is rather the self-realization of the individual and the common good. To Mr. Green these have identically the same meaning. From this conception of the "ethical end," the theory of "freedom" naturally follows, and from it, the conclusion as to "State action." "State action is expedient just in so far as it tends to promote freedom in the sense of self-determined action directed to the objects of reason, inexpedient in so far as it tends to interfere with this."

Mr. Ritchie in this, as in a former work, "*Darwinism and Politics*," appears as the advocate of the philosophical soundness of the reaction from the old theories that emphasize the supreme importance of the individual and place in antagonism State action and individual liberty. While this reaction is to be welcomed, it is to be hoped that in the new philosophy the lesson of the old will not be lost. A complete theory must give equal emphasis to the two facts: first, that apart from society the individual is a mere abstraction about whom nothing can be said "except that it is not any other individual," and, second, that apart from the individual, society is not even an abstraction. Rightly interpreted the one involves the other, but unless each be given due emphasis errors will result.

Mr. Ritchie's work is valuable not so much for its exhaustive treatment of the subject—indeed, it makes no such pre-

tention—as for its clearness and suggestiveness. The style is too combative to be strictly philosophical but not to be interesting. In general the conclusions follow logically. In speaking of the corn laws, however, without here passing upon the general correctness of the conclusions, it may be doubted whether the writer's reasoning admits of the application of *laissez-faire* in all economic conditions simply because they are economic. Mr. Ritchie has not freed himself from Mr. Mill's conception of the economic man.

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THE LAND AND THE LABORERS: Facts and Experiments in Cottage Farming and Coöperative Agriculture. By CHARLES WILLIAM STUBBS, M.A., Rector of Wavertree; Author of "Village Politics," "Christ and Democracy," etc. Pp. 228. London: Swan, Sonnenschein & Co., Paternoster Square, 1891.

THE first impression upon reading this interesting book by Mr. Stubbs is similar to that obtained from the accounts of other co-operative enterprises. Such attempts at united effort in industry are certainly based upon correct and lofty principles and ought always to succeed, but somehow there are more financial failures than successes. Mr. Stubbs' book is confined to a consideration of different kinds of co-operative farming. "Twelve years' work as a country parson in a Buckinghamshire village have forced upon me two very definite conclusions. They are these:

"1. That of the many urgent social problems with which at the present moment Englishmen are confronted, there are few whose solution is not largely dependent upon such a revision of the English Land System, as shall permanently raise the social and economic condition of the English rural laborer.

"2. That any permanent elevation of the rural laborer's standard of comfort is impossible, unless there can be effected either (a) a great increase in the proportion of small agricultural holdings in England; or (b) the adoption of some system of agriculture, probably co-operative, which shall once more



make it economically advisable to increase largely the amount of English labor applied to English land."

From his own experience in the cultivation of an acre of ground apportioned after the same manner as the half-acre plots of his parishioners, Mr. Stubbs finds that small husbandry may "add very largely to the annual income of the rural laborer."

Besides the allotment system, Mr. Stubbs considers in detail and gives the results of several experiments in co-operative farming and also of the Collins' Cow-club and similar ones in Bucks county. The experiments described at length are: "The Ralahine in Clare County, Ireland;" "Farms at Assington," "Cumberland Experiment," and "Experiments in Germany." The Ralahine was a success financially as far as the associated members were concerned, but it was discontinued after three years on account of bankruptcy, occasioned by the gambling habits of Mr. Vandeleur, the founder.

The general business arrangements of the different experiments in "association farming," described by Mr. Stubbs, while each differs in details from the others, are similar. The chief features are some form of joint control, definite work from each one, and, after paying rent and interest, division of profits at the end of the year. Of the two farms at Assington, one was a financial success, the other doubtful.

According to our author, the conditions under which the experiment in Cumberland and those in Germany were carried on were such that conclusions drawn from the seeming want of financial success would not be valid for co-operative farming in general.

Considering the generalization from the different experiments, the chief advantages derived from co-operative farming are: when successful, an increase in annual income; all attempts at co-operation have a high social and moral value—the interests of capital and labor become identical; the increase of personal responsibility tends to develop stronger individuality; the educational effects in teaching carefulness in the use of material and in the opportunities for interchange of

thought ; and, instead of the motto, "every man for himself," there is inculcated the higher ethical idea, "'Each for all, and all for each,' and that enlightened self-interest can be attained only by the path of self-sacrifice."

Among the chief causes of failure in the experiments thus far made are the following: bad seasons or times of low prices cannot be calculated in advance ; the original outlay of capital usually renders necessary a debt, the interest on which absorbs the profits ; the difficulty of finding managers with all the necessary qualifications for the work ; the prospect of a profit at the end of the year does not present the same incentive to earnest work that the possibility of immediate savings does ; and that "productive co-operation presupposes habits of organization" which are not found to a large degree at present, and can only come with a higher grade of intelligence and a formation of these habits through the lesser forms of co-operation, such as the "allotment system," co-operative stores and trades unions.

The results as given by Mr. Stubbs of the experiments in "allotments" and of the "cow-clubs" seem to be in every way satisfactory. Whatever may be the experimental results thus far in "association farming," there are certain fundamental principles that must be recognized. That there is a limited portion of land for the use of humanity as a whole will be readily granted. There is no other possible way for man to develop except by an exercise of his will upon something external to himself. Land is one of those instruments by the means of which man expresses his individuality. This process of growth in freedom can take place only as each one's right to the use and transfer of land is recognized by others of the social unity. At present the principle of individual ownership in land has been perverted through the excessive desire of the few to control the many. Unless the immense estates and large farms are in some such ways as the allotment system or association farming granted for the direct use and control of a larger number of people, society as a whole will continue to suffer to the present degree from the pres-

ence of a large number of criminals, paupers and impotent members.

Two or three slightly sarcastic allusions by Mr. Stubbs to "orthodox" political economy suggest an inquiry. Considering the movement in economic thought at the present time, and the recognition by leading writers that altruistic motives may in the long run be as truly economic as those of self-interest, and that many phases of industrial relations show attempts at conscious practical application of altruistic principles—in view of such facts, is it not time to grant that this newer thought has become so well established that it may itself be called "orthodox?"

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THE EIGHT-HOURS DAY, by SIDNEY WEBB, LL.B., and HAROLD COX, B. A., Pp. viii, 280. London: Walter Scott; New York, A. Lovell & Co.

THE perusal of this little work suggests the conclusion that joint authorship, unless subjected to the vigorous revision of a dominant editorial control, is seldom appropriate to a continuous argument. The subject of this treatise is one of the most important in the entire domain of applied economics, and its treatment, to inspire respect with the contending advocates of apparently clashing interests should be logically sustained and dispassionately stated. The volume before us is distinctly polemical. It is devoted to the advocacy of a compulsory eight-hours day for all industrial employments except domestic service and agriculture; and it aims to further its cause by a careful review of the attainable historical evidence and a temperate discussion of the leading arguments urged by opponents as well as by partisans of the movement.

This creditable scheme is very unevenly accomplished. The writer of the argument comprised in chapters IV to IX inclusive has succeeded admirably in reviewing dispassionately the probable results of a reduction to eight hours of the normal working day.

Throughout this discussion a logical and scientific method is consistently adhered to, a dispassionate tone is adopted, and the utmost adverse criticism that may be urged is that the practical difficulties of the proposed change are somewhat slightly treated, while the advantages are amplified in great detail.

But after so candid a review of the controversial part of the discussion it is disappointing to observe a tone of extreme partisanship in the purely historical portions of the work. Adverse parliamentary reports are characterised as disingenuous, attention is called to flaws in such evidence as does not confirm the authors' views, while equally obvious flaws in confirmatory testimony are passed over in silence ; legislative bodies which have not responded to the demands of the agitators are innuendoed ; "political economists" are referred to with contempt, and Mr. Herbert Spencer is assumed to "blaspheme" at the theories which the author evidently imagines he is quite bold in so vigorously upholding. When it is stated that the Chicago riots of 1886 were "savagely" repressed by the police and when men who work during strikes are characterized as "blacklegs," it is, we submit, time to call attention to the fact that extravagance and partiality are not the weapons with which doubters are convinced, and that in the present instance they do much to create distrust of the array of facts which they intersperse.

The authors have added a copious appendix of facts and statistics relating to the discussion, and have supplied an excellent index whereby the labor of reference is greatly abridged.

The possibility of a shorter working day, which masters as well as men equally desire, depends, in modern competitive production, upon the comparative efficiency of its instruments.

In continental Europe, where as yet the productivity of each producing agent is comparatively small, long hours and small pay are the result. Shorter hours would imply the restriction of home production to home demand ; and, by loss of the export market, a diversion of both capital and labor into new channels. Such diversion is always accomplished with great distress to all classes of the community ; and it is a question

whether this distress would not so far outweigh the advantages of greater leisure to the working classes that an attempt at shorter hours under such conditions would effectually postpone them for an indefinite period.

Where individual productivity is great and labor cost small, the opportunity for the reduction of hours is apparent ; but in this process none but moderate measures will accomplish the desired object without disturbing the delicate conditions of production. The Massachusetts manufacturers were this year ready to concede a working week of fifty-eight hours ; the agitators demanded fifty-four, and as a result the mill wheels still turn sixty hours, and the reform is postponed. That it will come eventually cannot be doubted, but any progress which is so radical as to seriously disturb the condition of modern competition can only be disastrous to those whom it directly affects, as well as to the community at large

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## MISCELLANY.

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### THE CONGRESS OF THE LEARNED SOCIETIES AT PARIS.

On Friday, May 21, the *Congrès des Sociétés Savantes* was opened by the Admiral Julien de la Graviere, and on the following Monday, M. Siméon Luce, of the Institute of France, opened the Annual Congress of the Society of Social Economy. The Congress of the Learned Societies of France is assembled annually under the patronage of the Minister of Public Instruction. It furnishes an occasion once a year for the *savantes* of the "province," as they are called by the Parisians, to unite at Paris, exchange news and ideas, communicate the researches and investigations of the year, and come into contact with the highest authorities in the different branches of science—who are, as a matter of course, to be found at Paris.

After the first general session, the congress divided itself into five sections:—history and philology; archeology; economic and social sciences; historical and descriptive geography; and science. The mornings were devoted to special communications and the afternoons to discussions of questions previously determined in the program of the congress. The economic section was ably presided over by M. Levasseur. The nine questions that afforded subjects for discussions and papers, were as follows:—

1. The position occupied and the nature of the functions fulfilled by the *procureurs* of the king under the *ancien régime* and in the different regions of France—their relations with the local authorities.

2. The attributes of the *procureurs-syndics*\* and other officials of the same category under the Constitution of 1791.
3. Local statistical researches on accidents, sickness and deaths in the different callings and professions.
4. Paternal authority over the person and property of legitimate or illegitimate children.
5. The French and foreign institutions that facilitate arbitration and conciliation between employer and employee.
6. The limits of State intervention in questions of public hygiene.
7. The execution of the sentence of "hard labor."
8. Real estate credit in France and the reform of the mortgage system.
9. The position of professional or technical schools in primary compulsory education. Should the workshop be placed in the school or the school in the workshop? International comparisons.

The most important discussions of the congress were on the topics 5, 6 and 8. On number 5 two interesting papers were read, one by M. Gibon in which he set forth the favorable working of arbitration committees composed of employers and workmen, the other by M. Bellom of the Society of Comparative Legislation of Paris in which he gave a *résumé* of the results observed in different foreign countries, especially in Germany. The eighth question was ably treated by M. Saint-Genis, who developed both the legal and economic aspects of the subject.

Several papers on special topics were read. M. Babeau read the results of an interesting research on "The Efforts Made by the Government to Combat High Prices in 1724," and M. Dumas, a paper on "The Commerce in Grain in Touraine at the End of the Eighteenth Century." M. Dumas maintained that Louis XV. was innocent of any desire to speculate in grain at the moment when his subjects were at the verge of starvation,

\*Under the *ancien régime*, "*procureurs-syndics*" were the chief authorities in the municipal government.



and that, though the province was blameworthy for the measures taken to avert a famine that seemed inevitable, its intentions were honorable and were meant for the good of the people.

Dr. Laurent gave his personal experience as a medical inspector of one of the school districts of Paris, showing the depressing effects on the intellect and morals of children addicted to the use of tobacco, that he had observed during a portion of their primary school career. M. Lequien read a paper on "The Results Obtained in the Struggle against the Use of Tobacco;" M. Massilon-Rouvet one on "Economic Building from a Technical Point of View;" and M. Cacherix one on "The Life-Saving Service in France and in Foreign Countries with Special Reference to its Position in the Cities." Other papers had been announced but the authors were not present. They will be published in the report.

One cannot fail to see that the choice of subjects was hardly judicious. The discussions were very often directed to subjects whose economic interest was obscure.

#### CONGRESS OF THE SOCIETY OF SOCIAL ECONOMY.

At the opening session of this society on Monday evening, May 25, the President, M. Simeon Luce, of the Institute of France, famous for his historical researches into French social conditions during the Middle Ages, read a paper on "Frederic Le Play, la vieille France, l'Ecole des Chartes et la Société d'Economie Sociale." It was an eulogy of the founder of the Society and a tribute to the France of the Middle Ages. The real work of the Congress began on Tuesday morning. A paper of M. Princeteau read by M. Gaston David on "The Strikes of the Glass-blowers in the Region of Bordelais," made clear the pernicious influence of the Federation of Labor of Paris, which had sent to these unfortunate laborers the order to leave their work. The efforts towards arbitration made by M. Princeteau had failed of the desired effect and the unhappy strike continued to the detriment of the employer and employee. M. H. C. de Wiart of Brussels in a paper, "Alcoholism in Belgium," argued that

the thirteen liters of alcohol consumed on the average by each Belgian annually, while the Frenchman on the average consumes not more than four, represent an expenditure of from 20 to 25 per cent. of the Belgian's wages in alcoholic drinks. M. Wiart showed the extreme difficulty of effecting any reform through legislation, because Belgium with its system of limited suffrage (a state of affairs which has been changed by recent laws) did not have more than one hundred and thirty thousand electors of which forty thousand were saloon keepers or distillers. The general session on Tuesday evening was presided over by M. Mercier, Prime Minister of the Province of Quebec.

Among the papers read at this and subsequent sessions were the following:

By M. Cheysson on "Internationalism in Social Questions," in which he traced the progress made in the different branches of modern industry, the birth and development of international socialism and the questions examined and the results obtained by the Berlin Conference of Labor.

By M. Etcheverry, Deputy of the Basses Pyrénées, on "Agricultural Credit before the Houses of Parliament." After passing in review the different bills now before the Chamber of Deputies, he arrived at the following conclusions, which were unanimously echoed by the Congress as to the principles if not the applications: (1) The organization of agricultural credit should be left to private initiative. "I have not to discuss the dangers of State intervention," said the author, "they are too well known to you all." This attitude was characteristic of the Congress. (2) Reform of customs and habits is more essential than any laws that might be enacted. (3) The basis of any system should be,—personal credit founded upon local solidarity and responsibility.

By M. Louis Guibert on "The Communities of the Linconsin during the XIII, and XIV, Centuries."

By M. Albert Babeau on "An Agricultural and Industrial Colony in Provence at the Close of the Last Century," which was another tribute to the memory of the "*ancien régime*."

By M. Eugene Rostand, president of the savings banks of the Department of the "*Bouches-du-Rhône*," on "Savings Banks Considered as Centres of Social Action." M. Rostand protested against the present plan of depositing the funds of the savings banks in the State Treasury. After describing the savings banks of the different countries of Europe and showing that their funds are used in part, to encourage social and philanthropic work such as construction of workmen's habitations, asylums, schools and libraries and to fructify, by loans, local industry and agriculture, M. Rostand demanded the same system for the French savings banks.

By M. G. Blondel on "The Condition of the Rural Classes in Germany at the Close of the Middle ages."

By M. De Laynes, Professor in the Law School of Bordeaux, on "The Family Property, its Preservation and its Hereditary Transmission." To many minds this subject is intimately connected with the stagnation of the French population and it is exciting the keenest interest throughout the country. M. Laynes explains how the Civil Code with its provisions for a distribution of property "in kind" among the children, causes the family estate soon to pass into the hands of strangers. He then reviewed the different foreign systems, paying special attention to the American "homestead."

Theoretical questions of political economy were almost wholly banished from the program as one would expect them to be in view of the principles of Le Play and his school.

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*Paris, June 1891.*